



**The Roman Catholic
Diocese of Raleigh**

Employee Handbook

Diocese of Raleigh Employee Handbook

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Introduction

Introductory Statement

This handbook is designed to acquaint employees with the Catholic Diocese of Raleigh and provide them with information about working conditions, employee benefits, and some of the policies affecting their employment. Employees should read, understand, and comply with all provisions of the handbook. It describes many of the responsibilities as an employee and outlines the programs developed by the Diocese to benefit employees. One of the Diocese's objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the Diocese continues to grow, the need may arise to change the policies described in the handbook. The Diocese, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

UNIVERSAL AND LOCAL POLICIES

Note that each policy has a (U) or an (L) after the name of that policy. The policies with the (U) are universal policies and apply to all employees. Policies with an (L) are local policies and apply only to employees of the Catholic Center. The policies marked with an (L) are optional for parishes, schools and agencies. They may be followed as is, modified or not followed depending on local practice. Please see the pastor, principal or director should there be a question regarding local practices in following the policies marked with an (L).

Pastors must notify the Director of Human Resources if they decide not to adopt any of the local policies or if they wish to adopt them with modification. If the Director of Human Resources is not notified, it will be understood that the local policies have been adopted by the parish, school and/or agency.

Diocesan Overview

The Roman Catholic Diocese of Raleigh comprises the 54 eastern counties of North Carolina, covering approximately 32,000 square miles. The Diocese is divided into eight deaneries with a total of 96 parishes, missions and stations and seven centers for campus ministry. The Diocese is served by 120 active Diocesan and Religious Order Priests.

The Diocese was established on December 12, 1924, by Pope Pius XI with Most Reverend William J. Hafey installed as the first Bishop of Raleigh. At the time, the Diocese covered the entire state with a Catholic population of 6,000. By 1972, the Diocese had grown to approximately 70,000 Catholics. At the request of the Most Reverend Vincent S. Waters, third Bishop of Raleigh, Pope Paul VI created the Diocese of Charlotte in 1972.

On June 8, 2006, Pope Benedict XVI appointed the Most Reverend Michael F. Burbidge the fifth Bishop of Raleigh, succeeding Bishop Emeritus F. Joseph Gossman. Bishop Burbidge was installed August 4, 2006.

Employment

100 Nature of Employment (U)

This handbook is intended to provide employees with a general understanding of the Diocese's personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the Diocese. However, it is important to remember that this handbook cannot anticipate every situation or answer every question about employment.

Nothing in this handbook should be considered as altering the employment-at-will relationship. Employees may be terminated at any time, with or without cause and with or without notice. The Diocese retains the right to establish, change, and delete its policies, practices, rules and regulations at any time. The only recognized deviations from the stated policies are those authorized in writing by the Bishop.

101 Equal Employment Opportunity (U)

The Catholic Diocese of Raleigh is strongly committed to providing a work environment that is free from all forms of harassment, discrimination and inequality. The Diocese recruits, employs, trains, promotes and compensates employees without regard to race, age, sex, national origin, citizenship, marital status, veteran's status, disability, genetic information or any other personal characteristic protected by law.

The Diocese of Raleigh values each and every employee and strives to make employment at the Diocese enjoyable and satisfying. As part of this commitment, the Diocese will not tolerate any form of discrimination or harassment toward employees, applicants, vendors, customers or visitors. Everyone should be treated equally and with respect regardless of race, age, sex, national origin, citizenship, marital status, veteran's status, disability, genetic information or any other protected class.

The Diocese of Raleigh will be proactive in monitoring our employment practices and policies on an ongoing basis. The Diocese expects employees to be aware of their work environment as well, and to be sensitive and respectful to all individuals around them. If an employee is subject to or witnesses discrimination or harassment, he/she must contact his/her manager or Human Resources immediately. Supervisors or managers are required to report any knowledge or awareness of discrimination.

Note: The Equal Employment Opportunity Act of 1972 expanded Title VII's coverage to include both public and private educational institutions. It did, however, grant exemption to religious institutions, including religious educational institutions. The exemption applies only to positions that pertain to carrying on the religious activities of the institution or where faith and worship participation are required as essential for fulfilling the position. Religion is a bona fide occupational qualification in those circumstances that involve religious activities and hiring an individual on the basis of religion, in that circumstance, is permitted.

102 Employment of Relatives (U)

Relatives of persons currently employed by the Diocese may be hired provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work within “the chain of command” when one relative’s work responsibilities, salary, hours, career progress, benefits, or other terms and conditions of employment could be influenced by the other relative. The reporting relationship is not to be “finessed” so that the chain of command is circumvented only to eliminate one relative reporting to another.

Should employees, as of this revision date, currently be in positions which violate this policy, they will be permitted to remain in those positions. However, they are to be encouraged to pursue other employment opportunities when they become available.

In order to assure the correct implementation of this policy, when a family member is hired, no matter for what position, the Diocesan Director of Human Resources must approve the hire.

For the purposes of this Employment of Relatives policy only, a relative is defined to include spouses, parents, children, brothers, sisters, brothers- and sisters-in-law, fathers and mothers-in-law, stepparents, stepbrothers, stepsisters, and stepchildren.

103 Immigration Law Compliance (U)

In accordance with the *Immigration Reform and Control Act of 1986*, the Diocese employs only those individuals who are authorized to work in the United States. All individuals who are offered employment are required to submit documentary proof of their identity and employment authorization within three days of actual employment (as distinguished from the “hire” date). Individuals to whom an offer has been made will be required to complete, and sign under oath, U.S. Citizenship and Immigration Services Form I-9. This form requires that employees attest that they are authorized to work in the job for which they have been hired and that the documents submitted to establish this right are genuine.

Employees authorized to work in the U.S. for a limited period of time must maintain their legal status and will be required to update their Form I-9 with appropriate documentation before the expiration of the authorized employment period. The execution and maintenance of the Form I-9 are the responsibility of the contracting officers. Regardless of one’s visa status, the Diocese is an Equal Opportunity employer and does not discriminate upon the basis of national origin or citizenship.

104 Business Ethics (U) – formally Conflict of Interest

Employment by the Diocese carries with it a responsibility to be constantly aware of the importance of ethical conduct. Employees must refrain from taking part in, or exerting influence in, any transaction in which their own interests may conflict with the best interests of the Diocese.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. The Diocese recognizes and respects the individual employee’s right to engage in activities outside of his/her employment which are private in nature and do not in any way conflict with or reflect poorly on the Diocese.

Management reserves the right, however, to determine when an employee's activities represent a conflict and to take whatever action is necessary to resolve the situation – including disciplinary action up to and including dismissal.

It is not possible in a general policy statement of this sort to define all the various circumstances and relationships that would be considered “unethical.” The list below suggests some of the types of activities that would reflect in a negative way on an employee's personal integrity or that would limit his/her ability to discharge job duties and responsibilities in an ethical manner:

- Simultaneous employment by another organization, particularly if the other organization is a competitor or supplier
- Carrying on Diocesan business with an organization in which the employee, or a close relative of the employee, has a substantial ownership or interest
- Holding a substantial interest in, or participating in the management of, a firm from which the Diocese makes purchases

An employee should notify his/her supervisor before accepting any gift(s) from vendors or potential vendors that exceed a cash value of \$50. If an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he/ she discloses to his/her supervisor, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

105 Outside Employment (U)

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the Diocese. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the Diocese's scheduling demands, regardless of any existing outside work requirements.

If the Diocese determines that an employee's work is not being performed satisfactorily or the outside employment is affecting the employee's ability to meet the requirements of the Diocese as they are modified from time to time, the employee may be asked to terminate the outside employment, if he/she wishes to remain with the Diocese. Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the Diocese.

Employment Status and Records

106 Employment Categories (U)

It is the intent of the Diocese to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either “exempt” or “non-exempt” from federal and state minimum wage and overtime requirements. Non-exempt employees are entitled to minimum wage and overtime pay under the specific provisions of federal and state wage and hour laws. Exempt employees are excluded from these specific provisions of federal and state wage and hour laws.

In addition to the above categories, each employee will belong to one other employment category:

Regular Full-Time

This term applies to employees who are not in a temporary status and who are regularly scheduled to work 30 hours per week or more. These employees are eligible for the Diocese’s full benefit package, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-Time

This term applies to employees who are not assigned to a temporary status and who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week. Regular part-time employees are eligible for some benefits sponsored by the Diocese, subject to the terms, conditions, and limitations of each benefit program.

Part-Time

This term applies to employees who are not assigned to a temporary status and who are scheduled to work less than 20 hours per week. While they do receive all legally mandated benefits (such as workers’ compensation insurance coverage), they are ineligible for the Diocese’s other benefit programs.

Temporary

This term applies to employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project, regardless of the number of hours per week they work. Employment assignments in this category are of a limited duration.

Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers’ compensation insurance), they are ineligible for the Diocese’s other benefit programs.

Note: Only regular full-time and regular part-time principals, assistant principals, teachers and teachers’ assistants are eligible for employment contracts without the express written consent of the Bishop. All employees who do not have an employment contract are “at will” and may be terminated at any time, with or without cause or notice.

107 Access to Employee Files (L)

Employee files are the property of the Diocese, and access to the information they contain is restricted. Information contained within an employee file is strictly confidential and only officials and representatives of the Diocese who have a legitimate reason to review information in a file are allowed to do so.

Any employee who would like to make a request to view his/her employee file may submit that request to Human Resources. In no event may records be removed or copied from the employee's file without the expressed consent of Human Resources.

108 Employment Reference Checks (U)

To ensure that individuals who join the organization are well qualified and have a strong potential to be productive and successful, it is the policy of the Diocese to check the employment references of all applicants.

All requests for information about current or former Diocesan employees should be referred to Human Resources. Responses to such requests will confirm only dates of employment, wage rates, and position(s) held.

109 Personnel Data Changes (U)

It is the responsibility of each employee to promptly notify Human Resources of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

110 Employment Applications (U)

The Diocese relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented throughout the hiring process. The Diocese reserves the right to verify all information given. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Diocese's exclusion of the individual from further consideration for employment or, if the person has been hired, may result in disciplinary action up to and including dismissal.

111 Performance Evaluation (U)

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal and frequent basis. Additionally, formal performance reviews are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated according to an ongoing 12-month cycle, which should be conducted before the end of the fiscal-year.

Employee Benefits Programs

112 Employee Benefits (U)

Eligible employees in the Diocese are provided a wide range of benefits. A number of the benefit programs, such as workers' compensation insurance coverage, cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Human Resources Department can identify the programs for which employees are eligible. Details of many of these programs can be found elsewhere in the employee handbook. Employees may find detailed information about the Diocese's benefits programs in the summary plan descriptions for each benefit program, which are available on the Diocesan website at dioceseofraleigh.org.

113 Vacation (U)

Vacation leave with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation leave as described in this policy:

- Regular full-time employees
- Regular part-time employees
 - Vacation will be pro-rated on the regular hours worked each week.

The amount of paid vacation leave employees receive each year increases with the length of their employment as shown in the following schedule.

Vacation Earning Schedule

Years of Eligible Service	Vacation Days Monthly	Vacation Days Yearly
Less than 1 year*	.83 days/month	Maximum 10 days
After 1 year	.83 days/month	Maximum 10 days
After 5 years	1.25 days/month	Maximum 15 days
After 10 years	1.66 days/month	Maximum 20 days

***May be taken after 3 months of employment**

The years of eligible service is calculated on the basis of a "benefit year". This is the 12-month period that begins July 1 and ends on June 30 of the following calendar year. Individuals on an unpaid leave of absence do not accrue vacation time. (See individual leave of absence policies for more information.)

Paid vacation leave may be used in minimum increments of one half day. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Vacation time off is paid at the employee's base pay rate at the time the leave is taken.

As stated above, employees are encouraged to use available paid vacation leave for rest, relaxation, and personal pursuits.

In the event that available vacation is not used by the end of the benefit year, employees will forfeit the unused time. Exceptions must be requested, in writing, before the end of the “benefit year.” Approval for up to two weeks of vacation to be carried into the next “benefit year” for special reasons, such as a trip overseas, must be given by the Division Director and the Director of Human Resources or the senior person at an employee’s location (Pastor, Pastoral Administrator, or Principal).

Upon termination of employment, employees may be paid for unused vacation time that has been earned through the last day of work. Employees must give a minimum of two weeks’ notice or the vacation balance will not be paid, and will be forfeited.

Note: This policy does not apply to contract employees. Contract employees should contact their principal or location administrator if they have questions.

114 Holidays (L)

The Diocese will grant holiday leave to all employees on the holidays listed below.

New Year’s Day

Martin Luther King, Jr. Day (third Monday in January)

Good Friday

Easter Monday

Memorial Day (last Monday in May) ***

Independence Day ***

Feast of the Assumption *

Labor Day (first Monday in September) ***

Day before Thanksgiving

Thanksgiving (fourth Thursday in November)

Day after Thanksgiving

Feast of the Immaculate Conception **

December 24th through December 31st

* Holiday will be celebrated only if the day is a day of obligation. Also, should this day fall on a weekend or other non-working day, the day off does not transfer to another day.

** Holiday will be celebrated should it occur Monday through Friday.

*** The Catholic Center will be closed at 11:30 A.M. on the business day prior to this holiday.

According to applicable restrictions, the employer will grant paid holiday leave to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee’s straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees

Should the Independence Day holiday fall on a Saturday, the preceding Friday will be taken as the holiday. Should the holidays of New Year’s Day and Independence Day fall on a Sunday, the following Monday will be taken as the holiday.

If a recognized holiday falls during an eligible employee’s paid vacation, holiday pay or another day off will be provided, at the discretion of the supervisor.

Paid holiday leave will not be counted as hours worked for the purposes of determining overtime.

Note: This policy does not apply to contract employees. Contract employees should contact their principal or location administrator if they have questions.

115 Sick Leave (L)

The Diocese provides paid sick leave to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees

Eligible employees accumulate one paid sick day per month for each completed month of service up to a maximum accumulation of ninety (90) days. Sick leave does not accumulate during an unpaid leave of absence. It is the responsibility of both employees and their immediate supervisors to keep an accurate record of the sick leave accumulation and the sick leave taken.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for five or more consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition of paying sick leave benefits.

Before returning to work from a sick leave absence an employee may be requested to present a physician's statement verifying that he/she may safely return to work.

Sick leave will be calculated based on the employee's base pay rate at the time of absence and normal hours worked.

Sick leave is intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Upon termination of employment, whether voluntary or involuntary, the separating employee shall not be entitled to any payment for any unused sick leave, and all unused sick leave is forfeited.

Note: This policy does not apply to contract employees. Contract employees should contact their principal or location administrator if they have questions.

116 Bereavement Leave (U)

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his/her supervisor immediately. Paid bereavement leave will be provided to eligible employees in the following classification(s):

- Regular full-time employees
- Regular part-time employees

Bereavement pay is calculated based on the base pay rate at the time of absence.

Bereavement leave will be granted as follows:

- Five Days - Spouse, parent, children, sibling, guardian
- Three Days - Grandparents, grandchildren, spouse's parents

Special consideration may also be given to any other person whose association with the employee was similar to any of the above relationships. These special requests must be recommended by the Division Director and approved by the Director of Human Resources.

117 Time off to Vote (U)

The Diocese encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a national, state or local election during his/her non-working hours, the employer will grant up to two hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least three business days prior to election day, so that the necessary time off can be scheduled at the beginning or end of the work day in order to provide the least amount of disruption to the normal work schedule.

118 Jury Duty (U)

The Diocese encourages employees to fulfill their civic responsibilities by serving jury duty when required. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day(s) of absence. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees
- Regular part-time employees

Employees must show the jury duty summons to their supervisor as soon as possible to verify the reason for their absence. Early notice will also allow the supervisor to make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits. Either the Diocese or the employee may request an excuse from jury duty if, in the Diocese's judgment, the employee's absence would create serious operational difficulties.

The Diocese will continue to provide health insurance benefits for the full term of the jury duty absence.

Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during paid jury duty leave.

119 Witness Duty (U)

If an employee has been subpoenaed as a witness by the Diocese, he/she will receive paid time off for the entire period of witness duty.

Eligible Categories:

- Regular full-time employees
- Regular part-time employees

Eligible employees will be granted a maximum of 15 hours of paid time off to appear in court as a witness at the request of a party other than the Diocese. Employees will be paid at their base rate and are free to use any remaining vacation leave benefits to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena is to be shown to the employee's supervisor immediately after it is received to verify the reason for absence. Early notice will also allow the supervisor to make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

120 Medical and Dental Insurance (U)

All regular full-time employees are eligible for coverage under the Medical and Dental insurance plans offered by the Diocese. Medical insurance includes Prescription Drug and Vision coverage.

Employees who choose to participate in the Medical and/or Dental plans may elect coverage for Employee Only, Employee plus Spouse, Employee plus Children, or Employee plus Family under group rates provided by the Diocesan health insurance carrier. Employees are required to contribute towards the cost of employee and dependent coverage. All premiums are paid through payroll deduction.

Detailed information on the Diocesan Medical and Dental plans can be found at dioceseofraleigh.org under the Benefits Section.

121 Life Insurance (U)

All regular full-time employees are covered under the Basic Life and Accidental Death and Dismemberment Insurance plan of the Diocese. A basic life insurance benefit of two times annual salary (subject to reduction beginning at age 65) is provided at no cost to eligible employees (non-contributory).

Dependent coverage is not available under the Basic Life and Accidental Death and Dismemberment Insurance plan of the Diocese.

Detailed information regarding the Diocesan Basic Life and Accidental Death and Dismemberment Insurance benefit can be found at dioceseofraleigh.org under the Benefits Section.

122 403(b) Retirement Plan (U)

The Diocese provides a 403(b) retirement plan for all regular full-time and regular part-time employees who have attained the age of 21 years.

Detailed information regarding the Diocesan 403(b) Retirement Plan can be found at dioceseofraleigh.org under the Benefits Section.

123 Workers' Compensation Insurance (U)

The Diocese of Raleigh provides workers' compensation coverage at no cost to employees (non-contributory). This plan covers disability incurred through accident or occupational disease—arising out of, and in the course and scope of, employment—that requires medical, surgical, or hospital treatment.

An employee who sustains a work-related injury or illness must inform his/her supervisor immediately as well as the Diocesan Benefits Office. A North Carolina Industrial Commission Form No. 19 must be completed within five (5) days after knowledge of the injury or illness and sent to the Benefits Office to be filed with the Diocesan Workers' Compensation carrier.

Detailed information regarding procedures for filing a Worker's Compensation claim can be found at dioceseofraleigh.org under the Benefits Section.

124 Long Term Disability Insurance (U)

All regular full-time employees are covered under the Long Term Disability Insurance plan of the Diocese. This benefit is provided at no cost to the employee (non-contributory).

Long term disability benefits are provided for eligible employees after an elimination period of 90 consecutive days of total disability and approval of the claim by the Diocesan long term disability carrier.

Detailed information regarding the Diocesan Long Term Disability Insurance plan can be found at dioceseofraleigh.org under the Benefits Section.

125 Severance Pay Program (L)

The Diocese has established a discretionary severance pay program to assist eligible employees whose employment is terminated by the Diocese through no fault of their own. An employee will not have any vested right to severance benefits unless and until the Diocese awards such benefits to him/her and he/she satisfies all of the conditions for receiving such benefits.

Eligibility for severance pay benefits is limited to:

- Regular full-time employees of the Diocese
- Regular part-time employees of the Diocese

An employee is not an eligible employee if he/she was hired as a temporary employee or if he/she was offered but refused to accept another suitable position with the Diocese.

Terminations Not Covered

The Diocese will not pay the severance benefits under this Plan if:

- The employee retires, resigns, or otherwise voluntarily quits his/her employment;
- The employee is terminated for cause, unless the Diocese determines, in its discretion, that the payment of benefits is appropriate;
- The Diocese otherwise determines, in its discretion, that the payment of severance benefits is not appropriate.

In addition, if an employee has a written employment or severance contract with the Diocese, and the contract provides for the payment of severance, salary continuation or similar benefits following termination of employment, the employee will not be entitled to benefits under this Plan unless the Diocese determines that special circumstances warrant supplementing his/her benefits under the contract.

Any employee receiving severance pay shall not be eligible for payments under the Reemployment Assistance Plan until the severance pay benefits have been exhausted and then only if all eligibility rules and provisions set forth in the Reemployment Assistance Plan have been satisfied.

The Amount and Timing of Severance Pay

Subject to the limitations set forth herein, the Diocese has full and complete discretion to determine the amount, nature and timing of severance benefits under this Plan, and the Diocese may, in its discretion, determine that an otherwise eligible employee will receive no severance benefits upon the termination of his/her employment.

In most cases, severance pay will be provided to eligible employees according to the following schedule:

Completed Years of Service	Weeks of Severance Pay
Less than 1	2
1	4
5	8
10	12
15 or more	16

A week of severance pay is defined as the employee's average weekly base pay during the last six months of employment, excluding overtime or any other special forms of compensation paid to the employee. Severance benefits shall be subject to applicable withholding, including withholding for federal, state and local income taxes and for applicable employment taxes.

Any severance benefit awarded under the Plan will be paid or otherwise delivered to the employee in full by the Plan's Payment Deadline. The "Payment Deadline" is the later of:

- March 15 immediately following the end of the calendar year in which employment is terminated;

- The short-term deferral payment deadline described in Treasury Regulation section 1.409A-1(b)(4).

The Diocese in its sole discretion may provide the benefit in a single sum or in installments.

Retention of Benefits

The Diocese will continue to pay the employer's share of an employee's group medical and dental premiums during the severance pay period. The employee is responsible for premium payments to continue spousal and/or dependent insurance premiums during the severance pay period.

The employee's eligibility to continue participating in the Diocese's group insurance and benefit plans following the severance period will be determined in accordance with the written terms and provisions of those plans.

Note: This policy does not apply to contract employees. Contract employees should contact their principal or location administrator if they have questions.

126 Continuation of Medical and Dental Benefits (U)

As a religious organization, the Diocese is exempt from the Consolidated Omnibus Budget Reconciliation Act (COBRA). However, the Diocese allows employees and their enrolled dependents the opportunity to continue Medical and/or Dental insurance coverage for a limited period of time to ensure employees do not experience a break in coverage before enrolling in a new plan elsewhere.

Coverage under the Medical and/or Dental Plans can be continued for a maximum of 18 months if coverage is lost as the result of one of the following events:

- Termination of the covered employee's employment (other than for gross misconduct). This includes retirement, employee resignation, layoff and other Diocese-initiated discharges (other than for gross misconduct).
- Reduction in hours
- Death of the covered employee
- Divorce or legal separation from the covered employee
- A leave of absence
- A dependent child ceasing to be a dependent under the plan

To be eligible for continuation coverage, employees and/or their dependents must have been enrolled in the Medical and/or Dental Plan for at least three months prior to termination (except in the case of an approved Leave of Absence).

The covered employee and/or dependent can continue Medical and/or Dental benefits for a period up to 18 months by paying the full cost of coverage (both the employer and employee portion of the premium). However, continuation coverage will be terminated before the expiration of the 18-month maximum coverage period for the following reasons:

- Failure to make timely payment of premiums;

- The Diocese ceases to provide any group health plan to any employee;
- The employee and/or dependents coverage is terminated for cause (e.g., for submitting fraudulent claims) on the same basis as would apply to a similarly situated non-continuation coverage beneficiary under the plan.

Detailed information regarding Continuation of Medical and Dental benefits can be found at dioceseofraleigh.org under the Benefits Section.

127 Reemployment Assistance Plan (U)

The Diocese provides a discretionary Reemployment Assistance Program which provides a weekly benefit to eligible individuals whose employment is involuntarily terminated by the Diocese through no fault of their own. An employee will not have any vested right to Reemployment Assistance Benefits unless and until the Diocese awards such benefits to him/her and he/she satisfies all of the conditions for receiving such benefits.

The Reemployment Assistance benefit is available to eligible individuals who are not currently receiving benefits under the Severance Pay Program (Policy 125, page 14). Individuals who are receiving benefits under the Severance Pay Program must exhaust such severance benefits before becoming eligible for the Reemployment Assistance Plan.

Eligibility for Reemployment Assistance Benefits is limited to:

- Regular full-time employees of the Diocese
- Regular part-time employees of the Diocese

An employee is not an eligible employee if he/she was hired as a temporary employee or if he/she was offered but refused to accept another suitable position with the Diocese.

Terminations Not Covered

The Diocese will not pay an employee Reemployment Assistance Benefits under this Plan if:

- The employee retires, resigns, or otherwise voluntarily quits his/her employment;
- The employee is terminated for cause, unless the Diocese determines, in its discretion, that the payment of benefits is appropriate;
- The employee does not satisfy the length of service requirements to receive a benefit under the Plan;
- The Diocese otherwise determines, in its discretion, that the payment of Reemployment Assistance Benefits is not appropriate.

For purposes of this plan, “terminated for cause” means action on the part of the employee which constitutes job performance issues, misconduct or fault, including, but not limited to, criminal activity, insubordination, dereliction of duty, and other actions which could, in the sole judgment of the Director of Human Resources or Chief Financial Officer/Chief Operating Officer reflect negatively upon the Church.

Benefit based on Length of Service (Maximum of 66.67% of Base Pay)

Eligibility for and the amount of Reemployment Assistance Benefits is based on the employee’s length of service with the Diocese. However, the maximum weekly benefit shall not exceed the maximum weekly benefit calculated under the State of North Carolina’s unemployment insurance program.

Length of Service with the Diocese	Reemployment Assistance Benefit
0 - 3 Months	Ineligible for Benefits
3 - 6 Months	22.22% of Base Pay
6 - 12 Months	44.44% of Base Pay
More than 1 Year	66.67% of Base Pay

An employee’s Reemployment Assistance Benefits will continue until the first of the following events occurs:

- The date the employee is offered other employment;
- The date the employee becomes self-employed; or
- The employee receives 26 weeks of benefits under this Reemployment Assistance Program.

To be eligible for benefits, the employee must register with the North Carolina Employment Security Commission and provide proof of such enrollment to the Diocese. The employee must also complete a Weekly Certification Form certifying that he/she has not found employment and remains eligible for benefits under this Program. Forms can be obtained from the employee’s supervisor or the Human Resources Department. Failure to provide this information or the falsification of any information will render the employee ineligible for benefits.

To the extent applicable, this policy will be implemented in a manner so as to be exempt from Section 409A of the Internal Revenue Code of 1986. For purposes of Section 409A, Reemployment Assistance Benefits will be treated as a separate payments and such payments shall not exceed two times the employee’s annual compensation (or, if less, two times the Code Section 401(a)(17) limit). All payments shall be made no later than the end of the second year following the year of termination.

Note: This policy does not apply to contract employees. Contract employees should contact their principal or location administrator if they have questions.

Timekeeping / Payroll

128 Timekeeping (U)

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Diocese to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. Overtime work must always be approved before it is performed.

Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, up to and including dismissal. Non-exempt employees should report to work no more than ten minutes prior to their scheduled starting time and should depart within ten minutes after their scheduled stop time unless they have expressed, prior authorization from their supervisor.

129 Paydays (U)

All employees are paid biweekly on alternating Fridays. Each paycheck will include earnings for all work performed through the end of the current payroll period.

In the event that a regularly scheduled payday falls on a day off e.g., a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

130 Pay Deductions (U)

The law requires that the Diocese make certain deduction from every Lay Employee's compensation. Among these are applicable federal and state income taxes. The Diocese also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base". The Diocese matches the amount of Social Security taxes paid by each Lay Employee.

The Diocese offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

If an employee has questions concerning why deductions were made from his/her pay check or how they were calculated, the Human Resources Department or Payroll Department can assist in having any questions answered.

Work Conditions and Hours

131 Safety (U)

Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards; who cause hazardous or dangerous situations; or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including dismissal.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify their supervisor. Such reports are necessary to comply with laws and initiate insurance and Workers' Compensation benefits procedures.

132 Work Schedules (L)

The normal work schedule for regular full-time employees is 7.5 hours a day, 37.5 hours a week from 8:30 A.M. to 5:00 P.M. This allows one hour for lunch. Supervisors will advise all other employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

FLEX TIME

Flex time is the ability for employees to adjust their regular work day, in consultation with their supervisor and with the approval of their supervisor. An example of flex time would be an employee, with the approval of their supervisor, adjusting his/her work schedule from the regular 8:30AM – 5:00PM time to 8:00AM - 4:30PM, or 9:00AM to 5:30PM. This type of flex time is permissible, with the approval of an employee's supervisor, as long as it does not negatively impact the service provided by that department or division.

COMPENSATORY (COMP) TIME

The Diocese has two categories of positions – exempt and non-exempt. Exempt employees are professionals who are exempt from guidelines that require pay for overtime, and non-exempt employees must be paid for overtime. A position is classified as exempt or non-exempt based upon a variety of factors related to the nature of the responsibilities of the job.

Compensatory time for exempt employees, in the form of hour for hour time off at a future time for hours worked over 40 hours per week, is not an approved practice for the Diocese of Raleigh. Exempt professional staff members are expected to work the number of hours necessary to get the job done. In consultation with their supervisor, an exempt employee who has worked significant numbers of hours on a particular project or projects can take time off on occasion (that is not considered as vacation time) at a time they mutually agree upon. However, there is not to be an hour for hour calculation for exempt professional staff for time off vs. hours worked over 40 hours per week.

Hourly non-exempt staff members do not receive comp time. They are to be paid overtime for hours worked over 40 hours per week.

133 Overtime (U)

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. When possible, advance notification of these mandatory assignments will be provided. All overtime must be authorized by the supervisor and the second level supervisor before being worked. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Non-exempt employees who are required to work in excess of forty hours per week will be paid time and one-half for all hours worked over forty in the work week.

As required by law, overtime pay is based on actual hours worked. Time off such as holiday, sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

134 Smoking (L)

In keeping with the Diocese's intent to provide a safe and healthful work environment, smoking is prohibited in all areas of the Catholic Center. This policy applies equally to all employees and visitors.

Individuals who smoke outdoors are responsible for using outdoor ashtrays or other appropriate receptacles to discard their refuse and should not litter the grounds.

Any employee found smoking inside the Catholic Center will be subject to discipline, up to and including dismissal.

135 Use of Diocesan Equipment and Vehicles (U)

When using Diocesan property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

An employee must notify his/her supervisor if any Diocesan equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. An employee's supervisor can answer any questions about the employee's responsibility for maintenance and care of equipment or vehicles used on the job. Employees who use Diocesan cars should follow this procedure in case of accident:

- a) notify the police;
- b) notify the Director of Finance;
- c) notify their supervisor.

Information to have on hand is the name, address, telephone number, driver's license number and insurance company of the other party.

The improper, careless, negligent, destructive, or unsafe use or operation of Diocesan equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action up to and including dismissal.

136 Emergency Closings (L)

Emergency conditions, such as severe weather, fire, flood, or earthquake, can disrupt operations and interfere with work schedules, as well as endanger employees' well being. Due to these conditions, the Catholic Center may be closed. Employees are to call (919) 821-9700 for a message advising of the closing. When operations are required to close, the time off from scheduled work will be paid.

137 Computer and Email Usage (U)

The Diocese provides technology resources to enhance an individual's ability to advance the mission of the Church. All data stored, transmitted, or created on technology provided by or owned by the Diocese of Raleigh to clergy, employees and volunteers is the property of the Diocese and may be accessed by authorized Diocesan representatives for review, storage, auditing, and monitoring without notice to or permission from any user or employee. The Catholic Center, parishes and schools also reserve the right to audit or track communication transmissions via technology that is the property of the Diocese of Raleigh.

Employees should not assume a right to privacy or confidentiality relating to electronic communications over the Diocese of Raleigh's systems. Authorized Catholic Center, parish and school personnel have a right to inspect, monitor, disclose, disseminate and delete any and all electronic communications, data files or documents. By signing the Receipt of Handbook, employees expressly consent to monitoring, auditing, review, and storage of any documents, files, or communications created, transmitted, or stored on any computer, cell phone, PDA, telephone, or other technology resources owned or supplied by the Diocese.

Employees may not access, use or disclose non-public personal or confidential information without appropriate authorization, in writing, from their supervisor and must take necessary precautions to protect confidentiality of non-public personal or confidential Diocesan information in the performance of their duties.

The Diocese of Raleigh strives to maintain a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, the Diocese prohibits the use of computers and the email system in ways that are disruptive, offensive to others, harassing, or harmful to morale, or that violate any policies in this Employee Handbook.

It is prohibited to knowingly display, download, or email sexually explicit images, messages, and cartoons. Other examples of unacceptable computer usage include (but are not limited to) ethnic slurs, racist comments, offensive jokes, or anything that may be seen by another person as harassment or disrespectful.

Clergy, employees and volunteers may not use email to solicit others for commercial ventures or political causes.

Clergy, employees and volunteers should notify their supervisor, the Director of Human Resources or any member of management if they learn about a violation of this policy or discover inappropriate material being stored or transmitted by Diocesan technology. Employees who violate this policy are subject to disciplinary action, up to and including dismissal.

Participation in Online Publications/Forums/Blogging/Social Media:

There is no expectation of privacy about what any employee posts or communicates on a public space. Any use of social media, including, but not limited to, blogging, Facebook, or Twitter, that violates any

Diocesan policy, including the harassment policy, may lead to discipline up to and including dismissal. Employees are not authorized to speak on behalf of the Diocese in any blog or online forum. Therefore, employees should identify themselves when discussing the Diocese and should include the following disclaimer in all of their postings to public forums:

“The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the Roman Catholic Diocese of Raleigh.”

Employees should note that, even with a disclaimer, a connection with the Diocese exists, and a statement could be imputed to the Diocese. Therefore, employees should not rely on disclaimers as a way of insulating the Diocese from the comments and opinions they contribute to forums. Communications must not reveal information about the Diocese’s confidential information.

Note: Employees who, with the approval of the Bishop or an authorized Diocesan official, are writing or responding on behalf of the Diocese through the use of these media are exempt from this policy.

138 News Media Relations (U)

It is Diocesan policy not to grant interviews to the media without prior approval of the Director of Communications, the Vicar General, the Chief Financial Officer/Chief Operating Officer or the Bishop. With respect to Diocesan matters which are appropriate for public knowledge, it is the policy of the Diocese to cooperate with news media inquiries and communicate truthfully with the media.

If the request comes to a Diocesan office, the reporter should be directed to contact the Director of Communications, who will make contact with the reporter to determine the topic and the suitability of granting the interview. If the request comes to a school or off-site agency, the employee should ask the reporter for his/her name, the name of the publication, television or radio station, a telephone number, topic which the reporter wishes to discuss and the reporter’s deadline. The employee should inform the reporter that a return call/email will be forthcoming. The employee should contact the Director of Communications or Vicar General for direction on how to proceed. Courtesy and common sense should always be used when dealing with reporters.

Note: Nothing in this policy is intended or will be applied in a manner to limit employee complaints or discourse which is protected by law.

139 Computer Software Policy (U)

The Diocese recognizes that computer software written for all computers is intellectual property, and is usually protected by copyright rules established by the United States. Further, the Diocese recognizes that protecting the investment of companies who develop computer software also protects those companies and allows them to gain a fair return on their development costs, and thus allows those companies to continue to produce enhancements and advancements to the software. The Diocese also recognizes that it has a unique position of influence in the community and must make every effort to uphold the law and respect for property, including intellectual property.

The Diocesan policy regarding the illegal duplication and use of pirated software requires all Diocesan employees to comply with the law. Therefore, anyone who purchases a copy of software has the right to

load that copy of software onto a single computer and make another copy for archival (backup) purposes only. It is illegal to use that software on more than one computer or to make or distribute copies of that software for any other purposes unless specific permission has been obtained from the copyright owner.

All Diocesan employees are subject to United States copyright laws. Illegal reproduction of software by employees may result in their being personally liable in a civil suit for damages, face criminal liability, and be subject to fines and/or jail terms.

Employees of the Diocese who are found copying, or to have copied software for other than backup purposes, without the permission of the owner of the software, will subject themselves to disciplinary action, up to and including dismissal.

All multi-use software, such as software written for networks, must be used in accordance with the license agreement.

An employee must contact the Manager of Computer Services in the following circumstances:

1. When seeking permission from a software company to copy a piece of software.
2. When seeking permission to copy software written by the Diocese.
3. When volunteers are asked to use their software on a parish or school computer system.
4. When wishing to obtain a multiple copy or an educational discount license.
5. When disposing old computer equipment.

Any employee who determines that there may be a misuse of software must notify the Pastor, Principal or Supervisor and the Manager of Computer Services.

Leaves of Absence

140 Family and Medical Leave (U)

The Diocese provides FMLA leave to eligible employees in compliance with the Family and Medical Leave Act.

Family/Medical Leave entitlements will be measured on a rolling twelve month basis. For example, if an employee used four weeks of leave beginning March 1, 2011, four weeks of leave beginning June 1, 2011, and four weeks of leave beginning December 1, 2011, the employee would not be entitled to any additional leave until March 1, 2012. On March 1, 2012, the employee would be entitled to four weeks of leave and on June 1, 2012, the employee would be entitled to an additional four weeks of leave, and so on.

Employees are eligible for a covered FMLA job-protected leave if they have worked for the Diocese for at least 12 months and have worked 1250 hours over the previous 12 months.

Basic Leave Entitlement

Eligible employees may take up to 12 weeks of unpaid, job protected leave for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care, or
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent who is a service member on covered active duty may use their 12-week entitlement to address certain qualifying exigencies. Covered active duty means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed forces in a foreign country; and 2) for service members of a reserve component of the Armed Forces or the National Guard in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member or veteran during a single 12-month period.

A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Serious injury means an injury or illness that was incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

A covered veteran is a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for a covered veteran means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

"Spouse" means a husband or wife. "Child" means biological, adopted, or foster child, a stepchild, legal ward, or a child being raised by the employee. The child must be either under 18 years of age, or 18 and older and incapable of self-care because of a mental or physical disability for Basic Leave Entitlement; for Military Leave Entitlement, the child may be of any age. "Parent" means biological parent, or a non-biological parent who had primary responsibility for raising the employee. This term does not include "parents-in-law." Next of kin of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, unless the covered service member has designated a specific blood relative in writing for purposes of military caregiver leave under FMLA.

Amount of Leave and Leave Period

Eligible employees may take up to 12 weeks of FMLA leave during a "rolling leave year," defined as the 12-month period measured from the date an employee uses any leave under this policy.

Employees are entitled to up to 26 weeks of leave in a 12 month period measured forward for Military Caregiver Leave Entitlement.

(Note: Spouses working for the Diocese may only take a combined total of 12 weeks for the birth, adoption, or placement of a child into foster child, or to care for a parent with a serious medical condition; or a combined total of 26 weeks to take leave to care for a covered service member.)

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Diocese's normal call-in procedures.

Employees must provide sufficient information for the Diocese to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or

circumstances supporting the need for military family leave. Employees must also inform the Diocese if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Notification of Eligibility

The Diocese will inform an employee requesting FMLA leave whether the employee is eligible under the FMLA. If the employee is eligible, the notice to the employee will specify additional employee rights and responsibilities. In addition, the Diocese will inform the employee if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employee is not eligible, the Diocese will notify the employee that the leave is not FMLA-protected and provide a reason for the ineligibility.

Medical Certification

For leave for medical reasons, medical certification by the health care provider must be obtained and submitted within 15 calendar days of an FMLA request. Leave may be denied if the certification is not timely submitted, is incomplete, or insufficient. If the certification is timely received but is incomplete, an employee will be advised of information needed and given seven days to provide the required information to enable the Diocese to make a decision. Leave may be denied if an employee does not provide this information. The Diocese may request a second medical opinion and designate the health care provider if the certification is questionable. If the first and second medical opinions differ, the Diocese may require a third opinion which will be final. Any required second and third certification expenses will be paid by the Diocese.

Medical recertification may be requested every 30 days unless the original certification was for a longer period, or circumstances have changed significantly. In all cases, the Diocese may request a recertification of a medical condition every six months in connection with an absence by the employee. Recertifications may be requested under other circumstances as specified in FMLA regulations.

Upon return, the employee must submit to Human Resources medical certification of his/her ability to return to work. The Diocese may deny work to personnel failing to provide valid fitness for duty certificates. Employees taking FLMA leave must contact the Benefits Office monthly. The employee is required to periodically report his/her intention to return to work.

Certification of Need for Military Leave

The Diocese will require certification of the need for Military Exigency Leave and Military Caregiver Leave. Employees requesting such leave must provide certification within 15 days absent unusual circumstances. Failure to do so may result in delay or denial of FMLA leave.

Intermittent Leave

Leave may also be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees requiring intermittent or reduced leave for foreseeable medical treatment for their own or a family member's serious health condition may be temporarily reassigned during the leave period to a position with the same pay and benefits that better accommodates a reduced or intermittent schedule.

Employees may not take intermittent leave for the birth, adoption, or placement for foster care of a child.

Substitution of Paid Leave

FMLA leave is unpaid except for the following: employees will be required to take any applicable vacation for any unpaid FMLA leave (where allowed by law), and must take any accrued sick pay for leave involving their own illness. In addition, employees may qualify for short-term disability payments; or may be receiving workers' compensation benefits for a condition that also qualifies for FMLA leave under this policy. Any paid leave that qualifies under this policy will be designated FMLA leave and will run concurrently with it.

Benefits

During FMLA leave, the Diocese will maintain health coverage under its group health plan on the same terms as if the employee continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The employee will not accrue employment benefits such as vacation or sick pay while on FMLA leave, but benefits accrued by the employee up to the day on which the FMLA leave begins will not be lost.

Status After Leave

Employees who return to work within or on the business day following the expiration of the approved leave will be returned to their job or an equivalent position with the same benefits and pay. However, employees on leave will have no greater right to reinstatement than if they had been actively employed. If the need for leave was due to the employee's own serious health condition, the Diocese will require that the employee provide medical certification that they are able to return to work. The employee may obtain a "fitness-for-duty certification form" from Human Resources.

Other Provisions

Employees may not engage in gainful employment during any approved leave. Violation of this provision will result in dismissal. In addition, any intentional misrepresentation to obtain or continue a leave of absence constitutes grounds for immediate dismissal.

Miscellaneous FMLA Information

The FMLA makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA and discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

More Details

To apply for the leave, or for more details about this policy, contact the Benefits Office.

141 Personal Leave (L)

Personal leave without pay is available to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classifications are eligible to use personal leave as described in this policy:

- Regular full-time employees
- Regular part-time employees

Employees may request personal leave only after having completed one year of service in an eligible employment classification. Personal leave may be granted for a period of up to 60 calendar days once every year. An employee's request must be approved by his/her immediate supervisor, his/her division director and the Director of Human Resources. Pending approval, employees may take vacation leave prior to the effective date of the personal leave of absence.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the Diocese will continue to provide health insurance benefits until the end of the month in which the personal leave begins. At that time, employees will become responsible for the full costs of their health insurance benefits. The Diocese will resume payment of the costs of these benefits when the employee returns to active employment.

Accruals of benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When personal leave ends, the employee will return to the same position or to a similar one for which qualified. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a personal leave, the Diocese cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the expiration of the approved leave period, the Diocese will assume that the employee has resigned.

142 Military Leave (U)

Employees who are voluntarily or involuntarily placed on extended active duty with the National Guard or the U.S. Armed Forces shall be placed on a leave without pay status in a manner consistent with applicable state law and the federal Uniformed Services Employment and Reemployment Rights Act. Active duty orders shall accompany requests for such leave.

Extended active duty is defined as a period of more than thirty calendar days. An employee on extended active duty military leave shall not accrue sick or vacation leave or other benefits.

The Diocese recognizes that individuals serving in the National Guard and Reserve need time off from work sufficient to enable them to travel to the place of training and have a night of rest, before starting the training, so that they can perform the training in a safe and effective manner. The Diocese will approve requests to be away from work on Friday, and particularly Friday afternoon, prior to inactive duty training on Saturday.

Reemployment Rights

An employee who has uniformed services reemployment rights shall be returned to the former position held or a comparable position at a comparable rate of pay, contingent upon the availability of funds, unless circumstances make it impossible or unreasonable to do so.

Continuous Service

The period of active duty shall represent continuous Diocesan service so long as the military service conforms to provisions as specified by applicable state law and the federal Uniformed Services Employment and Reemployment Rights Act.

143 Parental Leave (U)

Pursuant to North Carolina General Statute 95-28.3, employees who are the parents, guardians or legal representatives of school-aged children shall be entitled to four hours per year of leave to attend or otherwise be involved at their child's school. The four hours do not have to be taken at one time, but can cover several visits to a school. For purposes of this policy, a "school" includes public and private schools, preschools and child day care facilities as defined by North Carolina law. This parental leave shall be subject to the following rules:

1. Any employee requesting leave must submit a written request for leave to his/her supervisor at least 48 hours before the leave.
2. The leave shall be at a mutually agreed time between the supervisor and the employee.
3. The employee must furnish a written statement provided by the child's school verifying that the employee attended or was involved at the school during the time of leave.

Employee Conduct and Disciplinary Action

144 Open Door Policy (U)

It has always been the policy of the Diocese to encourage open communication. Employee concerns or problems are important to the Diocese and have a direct bearing on an employee's performance and well-being. However, an employee must make someone aware of his/her concern or problem in order for the issue to be resolved.

An employee should use the following procedure in presenting a concern or problem:

- The employee's immediate supervisor should be given the courtesy of knowing about the concern and have a chance to resolve it. He/she knows more about the employee and the employee's job than any other member of management and is in the best position to resolve the issue.
- If the employee's immediate supervisor cannot resolve the issue to his/her satisfaction, if the employee feels he/she did not get a reasonable hearing by an immediate supervisor, or feels the supervisor is the source of the problem, the employee may take the issue to the supervisor's manager.
- If the employee does not feel comfortable discussing his/her concern with any of the individuals set out in the procedures above, he/she may take concerns to the Director of Human Resources who will try to assist the employee in finding a fair and satisfactory resolution.

There will be no discipline or penalty because an employee uses this process. It is the sincere belief of the Diocese that the prompt and proper handling of employee issues and concerns will help to maintain the desired positive working environment.

145 Discipline and Dismissal (U)

It is the policy of the Diocese of Raleigh to recruit, employ and retain individuals who will demonstrate exemplary conduct and superior performance. The Diocese is also committed to providing a work environment that supports and encourages professional growth and career development. When an employee's conduct or performance fails to meet requirements or the legitimate expectations imposed by the job, it is the responsibility of the supervisor to address the employee's deficiencies or inappropriate conduct in an objective and timely manner. Discipline may include verbal counseling, written counseling, probation, suspension from employment, or dismissal. Although the Diocese may choose to use some or all of these disciplinary methods before dismissing an employee, the Diocese reserves the right to dismiss any employee at any time, with or without cause, and with or without notice, even if there has been no previous discipline.

Termination

Although the Diocese reserves the right to terminate employment at any time, with or without cause, certain actions that will result in the immediate termination of employment include, but are not limited to:

1. The employee fails to satisfactorily improve after having been counseled or otherwise disciplined or,
2. The employee is determined to have engaged in ethical misconduct or committed a serious infraction of Diocesan rules including, but not limited to:
 - a. Sexual abuse of a minor
 - b. Sexual abuse or harassment of an adult
 - c. Sexual or other unlawful discrimination or harassment of a fellow employee, or retaliation against an employee for reporting such conduct
 - d. Possession, distribution, sale, transfer of alcohol or illegal drugs to a minor, or on diocesan property, or while operating diocesan owned vehicles or equipment or while on duty
 - e. Violence or threatening violence on Diocesan property
 - f. Possession of dangerous weapons on Diocesan property
 - g. Theft or unauthorized use of Diocesan property, possession of stolen materials, falsification of time keeping records or falsification of any Diocesan documents
 - h. Working while under the influence of alcohol or drugs, excessive absenteeism or insubordination
 - i. Behavior in violation of the Code of Conduct for Church Personnel for the Diocese of Raleigh.
 - j. Personal conduct or life style contrary to the moral and religious doctrines or teachings of the Roman Catholic Church as interpreted by the Bishop of Raleigh.
3. Or, when in the judgment of the Diocese of Raleigh, other circumstances exist that require the immediate termination.

Supervisors should consult with the Director of Human Resources before issuing written warnings, placing employees on probation, suspending employees, or terminating employees.

146 Drug and Alcohol Use (U)

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illegal drug or alcohol while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the Diocese, Parish or School.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on Diocesan property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the Diocese/parish/school is strictly prohibited and may lead to disciplinary action, up to and including dismissal. When appropriate, the Diocese/parish/school may refer the employee to approved counseling or rehabilitation programs. Employees may use physician-prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

147 Threatening or Violent Behavior (U)

Any kind of intimidation and/or harassment violates Diocesan policy. No employee, including managers, executives, clergy or religious, shall be allowed to harass any other employee or member of the general public by exhibiting behavior including, but not limited to, the following:

- Verbal threats toward persons or threats to damage property
- The use of vulgar or profane language toward others
- Disparaging or derogatory comments or slurs
- Offensive sexual flirtations and propositions
- Verbal intimidation, exaggerated criticism, and name calling

Any physical assault such as hitting, pushing, kicking, restraining, impeding or blocking the movement of another person is prohibited.

The prohibitions apply not only to the workplace during work hours, but also to all work-related social functions, whether on or off of Diocesan property, and also to work-related travel and electronic media including e-mail, the Internet and voice mail.

Under no circumstances are the following items permitted on Diocesan property, including parking areas: all types of firearms; switchblade knives and knives with a blade longer than five inches; dangerous chemicals; explosives including blasting caps, chains and other objects used for the purpose of injuring and/or intimidating.

Employees, without fear of reprisal, have the responsibility to bring any form of intimidation, threats, or harassment to a member of management's attention. Upon knowledge or request, the Diocese will investigate the circumstances and review the results of the investigation with the person making the complaint.

Disciplinary action, up to and including dismissal, will be taken against any employee engaging in harassment, threats directed at other employees or behavior of a threatening, violent, or intimidating nature.

The Diocese reserves the right to involve law enforcement in the resolution of a threatening situation and may find it necessary to obtain legal restraining orders to prevent individuals from coming on Diocesan property.

148 Sexual and other Unlawful Harassment (U)

A cornerstone of Diocesan philosophy is based upon fundamental commitment to treating employees with dignity and respect. Our goal is to provide a workplace free from tensions involving issues that do not relate to Diocesan matters. In particular, an atmosphere of tension created by unwelcome non-work-related conduct or comments, including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, or requests for sexual favors or other such conduct does not belong in our workplace and will not be tolerated. Such conduct will result in disciplinary action, up to and including dismissal.

Harassment of employees or of applicants by other employees, agents of the Diocese or third parties is prohibited. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, gender, national origin, age, or disability, or that of the individual's relatives, friends, or associates and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects the individual's employment opportunities.

Harassing conduct includes, but is not limited to the following:

- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, national origin, age, or disability; and
- Written or graphic materials that denigrate or show hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and are placed on walls, bulletin boards, desktops, or elsewhere on Diocesan premises or in the workplace.

All individuals in management have the explicit responsibility to prohibit and prevent the occurrence of harassment and to take immediate action to correct any harassment of which they become aware.

While all forms of harassment are prohibited, the Diocese wants to especially emphasize that sexual harassment is a specific violation of state and federal law and Diocesan policies. Sexually harassing conduct that interferes with an individual's job performance, creates an intimidating, hostile, or offensive work environment, or is the basis of any term or condition of employment, regardless of the source, is illegal and will not be tolerated. This includes, but is not limited to, the following:

- Unwelcome sexual flirtations, advances, propositions or attention (such as jokes);
- Verbal comments of a sexual nature, no matter what the context;
- The display of sexually suggestive objects or pictures;
- Retaliation against an employee(s) for complaining about behavior related to sexual harassment
- Employment decisions such as advancement, compensation, or any other condition of employment based on refusal to condone any form of sexually harassing behavior.

Handling a Harassment Complaint

In the event an employee feels any form of harassment has taken place, the Diocese will make every effort to resolve the situation as quickly as possible. The following are guidelines for the resolution of these issues:

Any employee with a complaint or observation about harassment should raise the issue with management so appropriate action may be taken. Employees may bring complaint in any of the following ways:

- Contact his/her supervisor or manager
- Contact the Director of Human Resources
- Contact his/her department manager
- Contact any manager in which he/she has confidence

In no instance is any employee required to report harassment to the harasser. No one will be punished for bringing an issue to our attention in good faith, even if the employee does not have all of the facts. Investigations of harassment complaints will be kept confidential to the extent possible, subject to the Diocese's obligation to fully investigate the complaint and remedy any harassment. No employee will be retaliated against for complaining in good faith about harassment or for participating in the investigation of any complaint of harassment. Retaliation should be reported immediately. Retaliation is a serious violation of this policy and will lead to disciplinary action, up to and including dismissal.

Violation of this policy is subject to disciplinary action up to and including dismissal.

149 Attendance and Punctuality (U)

To maintain a productive work environment, the Diocese expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Diocese.

Generally speaking, employees are expected to attend work on all days on which they are scheduled to work. An employee must give his/her supervisor as much notice as possible when he/she realizes that he/she will be absent or arriving later than his/her usual arrival time. Failure to notify one's supervisor in a timely fashion may result in disciplinary action. Employees must contact their supervisors directly and, in no event, later than their scheduled report time. Unless there are extreme circumstances, notice from an employee's family member will not be accepted. Repeated unexcused tardiness, with or without notice, is unacceptable and will result in disciplinary action up to and including dismissal.

An absence for more than three consecutive days without notification to an employee's supervisor may constitute abandonment of that employee's position or may be considered a voluntary resignation.

150 Personal Appearance (U)

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the professional image employees present to visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Appropriate professional attire is the norm that is expected for all employees.

An employee should consult his/her supervisor or department head if he/she has questions as to what constitutes appropriate attire.

151 Resignation (U)

For various reasons an employee may choose to voluntarily resign from the Diocese. In such cases, the Diocese expects the employee to provide a written letter of resignation to his/her supervisor and a copy to Human Resources not less than two weeks before the anticipated departure date. This professional courtesy allows the Diocese to make arrangements to continue work without burdening co-workers and possibly to arrange for the training of new personnel. For this reason, vacation time is not granted during the notice period. Employees who do not furnish a minimum of two weeks' notice will not be paid for earned vacation time when they leave the Diocese. If the employee furnishes notice, the Diocese may elect to pay his/her salary for the remainder of the notice period and terminate his/her employment immediately. If the Diocese elects to do this, it does not alter the fact of the employee's resignation and he/she will receive earned vacation time.

If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

There are also times when employees will separate from the Diocese under circumstances where that separation is not voluntary – such as at the will of the Diocese, which may be due to business necessity, budgetary constraints, misconduct or deficient performance by the employee, or other reasons.

Regardless of the reason for separation, in general, each employee will receive an exit interview on or before the day that his/her employment ends to discuss the reasons for the separation and the effect of the separation on benefits. At this time, employees are required to return all items which are considered Diocesan property, including but not limited to, keys, access cards, cell phones, computer equipment, manuals, business files and information, and any and all other Diocesan documents.

152 Solicitation (L)

In an effort to assure a productive and harmonious work environment, persons not employed by the Diocese may not solicit or distribute literature or any other items in the workplace at any time for any purpose.

The Diocese recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.) In addition, the posting of written solicitations on bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:

- Employee announcements
- Internal memoranda
- Job openings
- Organization announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance Information

Items to be posted on the bulletin board are to be approved by Human Resources.

153 Employee Reporting Policy (U)

If an employee has a concern about any of the following matters set forth below, the employee is required to promptly report these circumstances to the Director of Finance or the Director of Human Resources.

- Perceived violations of federal, state or local laws or regulations.
- Gross mismanagement, waste, fraud, embezzlement or neglect of duty.
- Actions that are in violation of express Diocese of Raleigh policies.
- Actions that threaten or are viewed as harmful to the health, safety and/or welfare of others.

In addition to, or in lieu of, reporting the foregoing to any of the persons listed above, an employee may send a written complaint directly to the Chief Financial Officer/Chief Operating Officer of the Diocese.

Failure by an employee to report any of the above circumstances could result in disciplinary action, up to and including dismissal.

All persons, who in good faith report matters pursuant to this policy, shall be protected from disciplinary treatment and workplace retaliation.

Miscellaneous

154 Employee Problem Solving (U)

Employees of the Diocese may have problems, concerns or complaints about their employment situation that they wish to address. The following is the process to follow in order to have those issues heard. Employees are encouraged to use this process so that they may be assured of fair and equitable treatment without fear of retaliation; however, nothing herein alters the at-will employment status of those employees.

In consultation with the Director of Human Resources, parishes and schools are encouraged to develop clear and fair mechanisms for resolving differences and problems at the local level. These mechanisms are to be communicated to all employees at that location. Employees are to be encouraged to use those mechanisms. The Diocesan Problem Solving Procedure will not be implemented until all local means of resolution available to employees, including participation by the Pastor/Pastoral Administrator, have first been exhausted.

The Diocesan Problem Solving Procedure:

1. Within five (5) calendar days after the employee has made a good faith effort to resolve the difference with his/her supervisor, the employee will present in writing, to the Director of Human Resources, a request for a problem solving hearing. This should include:
 - a. Name, address and work location of the employee
 - b. Name of the person in authority against whom the complaint is made
 - c. The local process that was used in an attempt to resolve the problem
 - d. The identification of the specific complaint
 - e. The remedy sought
2. Within ten (10) calendar days of receipt of the hearing request, the Director of Human Resources will meet with the employee and the supervisor and try to guide them to a resolution. The Director of Human Resources will discuss the results of the meeting with the supervisor's superior.
3. Should the employee still be dissatisfied and wish to pursue the matter, the Director of Human Resources will then arrange a meeting within ten (10) calendar days with the employee, supervisor, supervisor's superior and him/herself to try to resolve the issue.

155 Work From Home (L)

A request to work at home, for a brief period of time, may be made subject to the following:

- Only exempt employees are eligible to work at home.
- Permission to work at home, including the hours, days etc., is at the sole discretion of the Division Director and can be rescinded at any time.
- The work at home does not impair the operation of the division or does not require frequent, immediate interaction with other members of the department or other departments.
- Others do not have frequent need to interact with the person working at home.
- Goals, objectives and timetables are clearly defined in advance.
- Employees must adhere to all reasonable and practical organizational policies and procedures while working from home.
- Employees must limit the performance of assigned duties to the designated, approved home location. Failure to comply with this provision may result in disciplinary action up to and including dismissal.

156 Meeting Emergency Child Care Needs (L)

In order to help meet the needs of employees with children, in the case of an emergency situation, such as an unexpected school closing, last minute baby sitter problems or the child being too ill to attend school, the employee may remain home, without loss of pay, to care for the child. The employee's supervisor must recommend approval to the Division Director. It is the responsibility of the employee to make the necessary provisions for the child following the emergency.

Children are not to be brought to the workplace for more than a visit.

It should be underscored that this policy is for emergency, one time situations only and should not be abused. Should there be any questions regarding this policy, and employee should contact his/her Division Director or the Director of Human Resources.

157 Civil Organization Membership (L)

Employees are encouraged to become active participants and representatives of the Catholic Diocese of Raleigh in the life of their local communities. Membership in a service organization such as the Lions Club, Rotary and Civitan groups is an appropriate way of participating.

Membership costs, dues and luncheon/dinner meetings and other expenses may be reimbursed, if prior approval is granted by the Division Director and Chief Financial Officer/Chief Operating Officer.

Appendix

158 Code of Conduct for Church Personnel for the Diocese of Raleigh (U)

SECTION ONE: Preamble

1.1 By virtue of our baptism, all Catholics share in the mission of the Church to continue the work of Jesus Christ. Jesus is Lord and we must seek the Kingdom as He did. We must preach the Good News that there is a God who loves us beyond our imagining. We must give our love and the provisions of life to those who have them in small measure. By our actions we must share our conviction that everything that occurs between us is a function of our relationship with God.

1.2 The call to discipleship is abundant in grace. It is also an awesome responsibility. We who represent the Church, the bishop, priests, deacons, seminarians, non-ordained religious, lay employees and lay volunteers who are involved in work for the Diocese of Raleigh, its parishes and agencies and who represent the Church by virtue of office, designated position, employment or contract (hereafter called Church Personnel) have a special obligation due to roles of leadership and positions of trust. Our brothers and sisters, young and old, invite us into their lives, open their hearts, share their joys and hopes, their grief and anxieties with us. They are confident that we will listen compassionately and act honorably in their best interest. Our behavior as Church Personnel, both public and private, has the potential to inspire those entrusted to our pastoral care to faith and hope and to motivate them toward greater generosity and participation in a life of faith. Sadly, when trust is abused it also has the potential to weaken or destroy faith, and cause scandal.

1.3 It is essential that Church Personnel be constantly mindful of the trust given to them. Faithfully discharging the responsibilities that accompany our work requires constant prayerful reflection and must be sustained and supported by God's grace. Our obligations require each of us to act with love and prudence. This Code of Conduct will assist in this task.

1.4 These statements do not presume to provide answers to all ethical questions. They present a set of general standards to help guide day to day actions and form a framework for developing policies and discussing ethical questions. Church Personnel in the Diocese of Raleigh agree to abide by this Code of Conduct and understand that disregarding these principles through personal conduct or life style contrary to the moral and religious doctrines or teachings of the Roman Catholic Church may lead to corrective and/or disciplinary action.

SECTION 2: Principles

2.1 Church personnel of the Diocese of Raleigh shall:

- a. Respect the teachings and precepts of the Catholic Church
- b. Respect the rights, dignity and worth of each person from conception to natural death.
- c. Conduct their relationships with others free of deception, manipulation, exploitation or intimidation.
- d. Work to ensure just treatment for colleagues, employees, volunteers, parishioners and others with whom they interact.

- e. Seek to provide an environment that is non-discriminatory, free from all forms of abuse and promotes respect, self control and personal safety.
 - f. While under our supervision to protect, to the best of our ability those entrusted to our care, especially children and youth as well as adults who are physically or mentally challenged.
 - g. Provide guidance for individuals or groups in a way that protects and respects each person, and is free from deception, manipulation, exploitation or intimidation.
 - h. Keep all information received in the course of formal counseling or spiritual direction in the strictest confidence in accord with professional ethical codes and as mandated by canon and civil law.
 - i. Make no false accusations against another or reveal the faults and failings of another to those who have no right to know.
 - j. Be responsible stewards of the human, temporal, and financial resources of the Church.
 - k. Maintain a high level of competence in our designated role in the Church and prudently attend to our physical, spiritual, mental and emotional well-being.
 - l. Avoid accepting or conferring an office, position, assignment or compensation that creates a conflict of interest or the perception of impropriety.
 - m. Examine our own actions and intentions objectively to ensure that our behavior promotes the welfare of the community and exemplifies the strong moral tradition of the Church.
 - n. Promptly report incidents of ethical misconduct by other Church Personnel to the proper Church and/or civil authority
 - o. Church personnel are prohibited from speaking in a manner that is derogatory or demeaning. All are expected to refrain from swearing or using foul language.
 - p. Church personnel are prohibited from possessing any sexually explicit or morally inappropriate materials on Church property, at Church sponsored events or in the presence of minors. Such materials include, but are not limited to: magazines, videos, films, recordings, computer software, computer games, or printed materials. In addition, topics of conversation or discussion, vocabulary or any other form of personal interaction or entertainment that could not be used in the presence of parents or a responsible adult are also prohibited.
 - q. Church personnel are to refrain from sexually offensive humor and conversation.
- 2.2 In addition to these guidelines church personnel shall abide by any applicable professional codes of conduct, ethical norms, canon or civil laws.

SECTION 3: Behavioral Guidelines for Church Personnel Working with Minors

- 3.1 The following guidelines are intended to assist Church Personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not intended to address every possible situation or designed to address interactions within families. For clarification of any guideline or to inquire about a behavior not addressed here, please contact your pastor, agency director, principal or the Director for the Program for the Protection of Children and Young People.

- a. Corporal punishment is prohibited when disciplining minors. Physical force may only be used to restrain individuals from inflicting harm on themselves and/or others.
- b. Church Personnel are prohibited from engaging in sexually oriented conversations with minors except in the context of sharing the Church's teaching on human sexuality. Church personnel are never permitted to use examples from their own sexual history or experience.
- c. Church Personnel are prohibited from using tobacco products in the presence of minors or having in their possession or being under the influence of any alcoholic beverage or any illegal drugs when working with minors. Church Personnel are prohibited from providing minors with any alcoholic beverage, tobacco, drugs or any substance prohibited by law.
- d. Medications may be administered to minors only with written parental permission. Parents should provide the medication clearly labeled (prescriptions or over-the counter medications) and dosing instructions for the medication.
- e. Church Personnel should schedule one-on-one guidance sessions or meetings with minors at times and locations that promote accountability and meet accepted standards of propriety. This includes limiting the length and the number of meetings, making referrals and notifying the parents and/or guardians as appropriate. Church Personnel providing counseling service should follow the standards of care and code of ethics for their respective professions in terms of services to minors and notification of parents and/or guardians.
- f. Adults should avoid being alone with a minor so as to remove the opportunity for, or perception of impropriety. Church Personnel are prohibited from sleeping in the same bed, hotel room, van, sleeping bag or tent with a minor unless the adult is a parent, guardian or sibling of the minor. Church personnel should not take an overnight trip alone with a minor who is not an immediate family member. Church Personnel should avoid being alone with a minor (not a member of the family) in a locker room, rest room, dressing facility, car or vehicle or other isolated area that is not appropriate to a ministerial relationship. When the good of the minor requires that they be accompanied by an adult to any of these locations, the time alone with the minor should be minimal and another adult should be made aware of the circumstances. As a general rule, changing and showering facilities should be separate for male and female and facilities and arrangements for minors separate from adults or should be used by adults and minors at different times.

NOTE: When there is only one large room that serves as the sleeping area for each gender, at least two adult leaders should be present in each sleeping area.

- g. Church Personnel, acting in their ministerial role, should not host minors who are not family members for overnight accommodations where there is no other adult supervision present. This includes, but is not limited to, accommodations in any church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.
- h. Clergy should not allow minors who are not members of their family to stay overnight in their private accommodations or residence unless accompanied by other adults.
- i. Appropriate demonstrations of affection between Church Personnel and minors can be important for a child's development and a positive part of ministry. Touching must be age appropriate and based on the need of the minor not the adult. If an adult has questions regarding demonstrating affection toward a minor they should discuss the matter with their supervisor or an adult qualified to render an opinion about appropriate ministerial boundaries.

3.2 Church Personnel may be in a position to provide transportation for minors.

The following guidelines apply:

- a. Ordinarily minors should not be transported without written permission.
- b. Minors should be transported directly to their destination with no unauthorized stops.
- c. Drivers must be validly licensed and insured.
- d. Drivers may not drive a diocesan vehicle without prior authorization.
- e. Drivers are to abide by all applicable state laws (including safety seats /belts) and diocesan policies regarding the safe transportation of children and youth.

3.3 Church Personnel observing anyone (adult or minor) abusing a minor, must take immediate steps to intervene to provide a safe environment for the minor and report the misconduct in accord with diocesan policies and civil law. **Church personnel who have cause to suspect that a minor has been abused must report the suspected abuse in accord with the Diocese of Raleigh Policies and Procedures for the Protection of Children and Young People and civil law.**

SECTION 4: Guidelines for the Supervision of Minors

Guidelines include, but are not limited to, the following:

4.1 Church personnel are responsible for releasing minors in their care at the close of activities only to parents, legal guardians or other persons designated by parents or legal guardians in writing. Special circumstances for the release of children require written parental/guardian permission.

4.2 Programs for minors should be administered by at least two adult supervisors.

4.3 Church personnel should report uncontrollable, dangerous, or unusual behavior of minors to parents/guardians as soon as possible.

4.4 Church personnel are to report substance abuse by minors to parent/guardian as soon as possible.

4.5 As far as possible, facilities should be monitored during church services, and during all other (school and parish) activities on the church/school grounds.

4.6 Parents should be encouraged to be part of all services and programs in which their children and young people are involved.

4.7 Parental permission should be obtained, including a signed medical treatment authorization form before taking minors on trips.

4.8. Parental approval must always be obtained before permitting any minor to participate in athletic or other activities.

[U] Formerly the Code of Professional Responsibility

159 Policies and Procedures for the Protection of Children and Young People (U)

1. Introduction

- 1.1** On November 13, 2002 the United States Conference of Catholic Bishops approved the *Charter for the Protection of Children and Young People* (USCCB, 2002; hereafter indicated as “the Charter”). The *Charter* addressed the commitment of the Church to respond effectively, appropriately and compassionately to accusations of sexual abuse of minors by priests, deacons or other Church personnel. This commitment extends to the victims of sexual abuse by anyone serving the Church in ministry, employment or as a volunteer, whether the abuse was recent or in the past.
- 1.2** Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil and criminal authorities in various ways, and these policies do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. The norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment. A canonical offence against the sixth commandment of the Decalogue need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome.
- 1.3** Respecting always the good reputation and privacy of all the individuals involved, the Bishops of the United States have stated their commitment to act as openly with the public as possible. The Bishops of the United States are committed to respond to the pastoral, spiritual and emotional well-being of victims and their families; and to work with priests, pastoral leaders of parishes, civil and criminal authorities, educators, churches and community organizations to provide a safe environment for children and youth.
- 1.4** The Bishop of Raleigh has provided these norms as a commitment to the goals and policies of the *Charter*. Further, to insure that the Diocese of Raleigh is in full compliance with the *Charter*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, and following the prescriptions of Canon Law and civil law, the Diocesan Bishop has, after extensive consultation and due diligence, directed that the policies and procedures contained in this document, be widely publicized, and formation and training be provided so that these norms be fully understood and accepted by all who are engaged in ministry to minors.
- 1.5** The faithful observance of all prescribed canonical norms is not intended in any way to hinder the course of any civil and/or criminal action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

2. Those Described in these Diocesan Norms

2.1 *Diocesan Bishop:* The Bishop of Raleigh, or in the case of a vacant See, the Diocesan Administrator. For the purpose of these norms, the Bishop or Diocesan Administrator may act personally or through his delegate in accord with the provisions of Canon Law.

2.2 *Clergy, Personnel and Volunteers:* Clergy includes the Diocesan Bishop, priests, and deacons. Personnel includes seminarians, non-ordained religious, lay persons who are involved in ministry or any

type of professional service or work within the Diocese of Raleigh, its parishes and agencies. Volunteers include those who offer their time and talent in service within a parish, school or associated Diocesan agency.

These, by their duties and responsibilities, may have direct and regular contact with minors, act as chaperones for overnight events, and represent the Church by virtue of office, designated position, employment, contract or service.

2.3 Diocesan Director of Communications: Provides assistance to the Diocesan Bishop, Vicar General, CFO/COO and the Superintendent for Catholic Formation and Education in the preparation of public communications, letters to faith communities, media releases, etc. The Director of Communications provides assistance in the *Program for the Protection of Children and Young People* in the following manner:

- a. to be responsible for coordinating all communications from the Diocese of Raleigh to the public through the media, in matters of sexual misconduct by church personnel.
- b. to provide advice and assistance to the Diocesan Bishop and others responsible for informing the parish community affected by the sexual misconduct.
- c. to be responsible for ensuring that the policies and procedures of the *Program for the Protection of Children and Young People* are readily available in printed form and are the subject of periodic educational/informational programs.
- d. to provide all communications from the USCCB Office for Child and Youth Protection for use by Diocesan directors. These communications are kept on file by the Director of Communications.
- e. to assist the Diocesan Bishop, the Vicar General and the Vicar for Priests and others in the preparation and distribution of communications to defend and restore the reputation of anyone who has been falsely accused of the sexual abuse of a minor.

2.4 Investigator: Defined as a person who by education, training and demonstrated competence is qualified to perform a systematic, confidential and impartial inquiry of an allegation of sexual abuse of a minor.

2.5 Minor: Defined in the law of the State of North Carolina as any person, to include a child and a youth below the age of eighteen. In Canon Law, a minor is also described as anyone under the age of eighteen (Canon 97 §1).

2.6 Program Director: The Director of the *Program for the Protection of Children and Young People* reports to the Vicar General and is responsible for the day to day administration and operation of the program. The Director communicates with all Diocesan department directors as appropriate regarding USCCB and other communications. In collaboration with Diocesan department directors, the Program Director will have primary responsibility for insuring that an allegation of sexual abuse of a minor is promptly and appropriately processed and that safe environment programs for children and young people are designed, implemented, monitored and maintained in the Diocese of Raleigh.

2.7 Victim Assistance Coordinator: The Director of Catholic Charities, serving as the Victim Assistance Coordinator, will designate a person of appropriate professional competency, a Victim Assistance Provider, to provide immediate and long term pastoral care needs of alleged and established victims of sexual abuse. These may include minors, adults, their families and those in the parish

community. The designated Victim Assistance Provider, in collaboration with the Victim Assistance Coordinator and the Program Director, will coordinate outreach services (i.e., counseling, spiritual and emotional assistance, participation in support groups) and will cooperate with other community and government agencies to provide those services deemed necessary for the abused and their families.

3. Terminology used in the Diocesan Norms for the Program

3.1 Administrative leave: Administrative leave is defined as the temporary removal of individuals from their duties. Administrative leave does not presume guilt, nor is it a canonical penalty. Nonetheless, the Diocesan Bishop may issue a penal precept requiring the observance of administrative leave and the restrictions identified with such leave. Administrative leave is prescribed out of an abundance of caution and to achieve the following ends:

- a. to insure a safe environment for the alleged victim.
- b. to safe guard the reputation of the accused from further accusations pending the outcome of the investigation.
- c. to protect the public from further possible harm.
- d. to insure that the integrity of the investigation is not compromised.

The administrative leave of a priest or deacon shall be applied within the prescriptions of Canon Law.

3.2 Decree Beginning the Preliminary Investigation, Canon.1717 §1: A canonical decree to begin the Preliminary Investigation given by the local Ordinary, namely the Diocesan Bishop and, by written mandate from the Diocesan Bishop, the Vicar General, based on knowledge, that it at least seems true, that sexual abuse of a minor may have taken place.

4. Program for the Protection of Children and Young People

To achieve the goals of the *Charter*, the Diocese of Raleigh has established the *Program for the Protection of Children and Young People* to accomplish the following:

- a. to attend to anyone who has suffered in the past or present from sexual abuse as a minor by anyone acting in the name of the Church.
- b. to describe the canonical, Diocesan and civil/criminal law protocols which are to be followed when an allegation of sexual abuse of a minor has been made.
- c. to designate the individuals and define the structures which are accountable for implementing the canonical and Diocesan policies and procedures to insure that the integrity of the Program has been followed.
- d. to provide guidelines for the publication and communication of the Program to the Diocesan Director of Communications.
- e. to initiate and maintain safe environment training for the faithful in the Diocese of Raleigh.
- f. to maintain USCCB communications files.

5. Program Structures and Processes

5.1 The Diocesan Review Board

The Bishop of Raleigh appoints the Diocesan Review Board which is to be comprised of at least seven persons of outstanding integrity and judgment. These board members are appointed by the Bishop for a term of five years, renewable for one additional term. The terms of all appointed board members are to be staggered. A Chairperson and Vice Chairperson are appointed by the Diocesan Bishop from among the board members for a term of five years, renewable for one additional term. The Vicar General, the

Promoter of Justice, the Program Director, the Diocesan CFO/COO and the Diocesan legal Counsel each participate as *ex officio* members of the board. The Review Board serves in the following manner:

- a. to assist the Bishop of Raleigh in the exercise of his pastoral ministry.
- b. to recommend those who will be retained by the Diocese of Raleigh to serve as investigators to perform the necessary investigative work into an allegation of sexual abuse of a minor by Church personnel, in accord with the provisions of civil law and the Code of Canon Law.
- c. to receive and evaluate reports of sexual misconduct against a minor by priests, deacons and other Church personnel. The reports will include a summary of the interviews of the alleged victim and the accused, a report by the designated investigator, and may include reports of the findings from the investigation conducted by law enforcement and/or other public authorities. The board will also receive pertinent information from personnel files, correspondence and any other related documents.
- d. to advise the Diocesan Bishop regarding the investigation report into the allegation of sexual misconduct and when appropriate, assists the Bishop by way of recommendation as he determines the suitability of an individual for ministry or service in the Diocese of Raleigh.
- e. to insure that all allegations, findings and recommendations are appropriately communicated to the following: 1) the parent, guardian or adult responsible for the minor, 2) the alleged victim if no longer a minor, 3) the accused and 4) other public authorities, as may be required.
- f. to review the policies and procedures for the *Program for the Protection of Children and Young People* at least every two years and recommends revisions as necessary.
- g. to receive regular reports from the Program Director at the regularly scheduled meetings regarding the effectiveness and efficiency of the program.
- h. to review communications from the USCCB Office for Child and Youth Protection and how these communications may inform the policies and procedures for the protection of children and young people in the Diocese of Raleigh.

5.2 Reporting

All allegations of suspected or known sexual abuse of a minor must be reported to appropriate law enforcement authorities. The State of North Carolina grants immunity from civil and criminal liability to any person, organization or institution if the report is made in good faith. In addition to reporting sexual abuse to appropriate law enforcement authorities, the following norms apply:

5.2.1 Allegations of sexual abuse of a minor by a priest, deacon or other Church personnel should be immediately reported to the Program Director. The initial report must be recorded by the Program Director and a file initiated without preliminary screening, inquiry or legal judgment by the Diocese.

5.2.2 As prescribed below, a more detailed report is made upon interview of the alleged victim and the accused. A lack of information, or lack of consent of the alleged victim, victim's parent(s) or legal guardian or person(s) providing the information, will not prevent the immediate reporting of the allegation of abuse to the proper authority. The following information, if known, should be contained in the report:

- a. The name, address and contact information of the person making the allegation.
- b. The name, address and contact information of the alleged victim.
- c. The name, address and contact information of the alleged victim's parents, guardian or responsible adult if the alleged victim is a minor.
- d. The name of the alleged abuser and present whereabouts if known.

- e. An accurate and detailed description of the alleged misconduct, the relevant dates, times, and circumstances in which the misconduct allegedly occurred and the names, addresses, telephone numbers of any other persons who may have knowledge of the alleged misconduct.
- f. The Victims Assistance Coordinator uses the above information so as to extend pastoral care to the alleged victim and their immediate family members.

5.2.3 The Program Director, following the reception of an allegation of the sexual abuse of a minor, will insure that the notification of the following persons are notified within forty-eight hours:

- a. Diocesan Bishop (The Bishop of Raleigh. If the accused is a priest or deacon not incardinated, but serving in the Diocese of Raleigh, the Diocesan Bishop or Major Superior for the accused will be notified by the Bishop of Raleigh)
- b. Vicar General
- c. Diocesan COO/CFO
- d. Victim Assistance Coordinator
- e. Promoter of Justice
- f. Diocesan Counsel
- g. Vicar for Priests, if the accused is a priest
- h. Bishop's Delegate for Religious, if the accused is a non-ordained religious
- i. Director of the Permanent Diaconate, if the accused is a permanent deacon
- j. Diocesan Bishop and the Vocation Director, if the accused is a transitional deacon (If the accused is a religious, the Major Superior for the accused will be notified by the Bishop of Raleigh).
- k. Diocesan Bishop and the Vocation Director, if the accused is a seminarian or deacon candidate (if the accused is a religious, the Major Superior for the accused will be notified by the Bishop of Raleigh).
- l. Director of Human Resources, if the accused is a lay employee or Volunteer
- m. The Superintendent for Catholic Formation and Education, if the accused is a staff member at a Diocesan, parochial or Diocesan endorsed private Catholic school
- n. Director of Communications
- o. Chairperson of the Review Board
- p. Appropriate law enforcement authority or agency according to the following prescriptions:
 - 1. The North Carolina Conference of District Attorneys pursuant to the Memorandum of Understanding Between the Roman Catholic Diocese of Raleigh and the North Carolina Conference of District Attorneys.
 - 2. In the event that said Memorandum of Understanding is not in effect the following shall be notified: The Sheriff's Department in the county where the alleged abuse took place or the local Police Department if the alleged abuse occurred in a township or within city limits.
- n. The date, time of notification as well as the person receiving the notification of the alleged abuse at the law enforcement agency, will be recorded. At the time of notification, a request will be made to the law enforcement agency that the Diocese be kept informed as to the progress of the criminal investigation.

5.2.4 Anyone receiving a specific allegation of sexual abuse will respond in a supportive manner, without initial judgment as to the truth of the complaint. In all cases the Program Director will be responsible for ensuring that the alleged victim, or person making the allegation, is advised of his/her right to report the allegation of sexual abuse of a minor to the public authorities and will support his/her

exercise of this right. In those cases where the alleged victim is no longer a minor, the Diocese will cooperate with all public authorities as is prescribed.

5.2.5 A file will be opened by the Program Director for each reported allegation and shall contain all material pertinent to the allegation. The files will be secured in the Office of the Vicar General upon the conclusion of the Preliminary Investigation. During any Preliminary Investigation, and prior to any decision by the Diocesan Bishop, all information regarding the allegation of sexual abuse of a minor by Church personnel will be held in the strictest confidence and will be communicated only to those named in the Confidentiality and Disclosure of Information section of this document, so as to protect the accused should the allegation prove to be false.

5.2.6 Care will always be taken to protect the good reputation and rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to maintain the good name of the falsely accused.

5.3 Initiation of the Preliminary Investigation

According to the provisions of Canon 1717 and the information received in the allegation, if it at least seems true that sexual abuse of a minor may have taken place, a Preliminary Investigation is to be initiated by a decree of the local Ordinary, namely the Diocesan Bishop and, by written mandate from the Diocesan Bishop, the Vicar General.

5.3.1 Interview of the Alleged Victim

In all cases, the alleged victim is to be interviewed within forty-eight hours of reception of the allegation by the Program Director or as soon as possible. The interview is to take place in person, if possible. The Program Director is to conduct the interview in the presence of the Victim Assistance Coordinator and the parent(s) or guardian of the alleged victim, if he/she is a minor. If the alleged victim is a female, the Program Director, in collaboration with the Victim Assistance Coordinator, is to insure that a designated female Victim Assistance Provider is present for the interview.

5.3.1a If the accused primarily speaks a language other than English, the Program Director, in collaboration with the Vicar General and the Victim Assistance Coordinator, will provide a suitable person, competent in that language, to assist with the interview.

5.3.1b For the Interview, the Program Director will verify the information received in the initial contact as follows:

- 1.** The name, address and contact information for the one making the allegation.
- 2.** The name, address and contact information of the alleged victim.
- 3.** The name, address and contact information of the alleged victim's parents, guardian or responsible adult if the alleged victim is a minor.
- 4.** The name of the alleged abuser and present whereabouts if known.
- 5.** An accurate and detailed description of the alleged misconduct, the relevant dates, times, and circumstances in which the misconduct allegedly occurred and the names, addresses, telephone numbers of any other persons who may have knowledge of the alleged misconduct.

5.3.1c In collaboration with the Victim Assistance Coordinator, the Program Director will extend pastoral care to the alleged victim and assess what outreach services (i.e., counseling, spiritual and

emotional assistance, participation in support groups) may be needed for the alleged victim and his/her parent(s), guardian(s) or immediate family members.

5.3.1d The Program Director will share all findings of the Preliminary Investigation with the promoter of Justice and the Diocesan Counsel.

5.3.1e Under the provisions of the *Charter*, the alleged victim will be advised by the Program Director that he/she has the right to meet with the Diocesan Bishop. So as to provide for the integrity of the investigative process, the alleged victim may meet with the Diocesan Bishop upon the completion of the investigation by the law enforcement authorities, the completion of the Preliminary Investigation, and the reception by the Diocesan Bishop of the recommendation of the Review Board regarding the Preliminary Investigation.

If criminal proceedings have been initiated prior to the reception by the Diocesan Bishop of the recommendation of Review Board, the Diocesan Bishop may meet with the alleged victim prior to the conclusion of any criminal proceedings, upon request from the alleged victim and consultation with the law enforcement authorities and legal counsel.

If the alleged victim is a minor, scheduling for any meeting will occur in collaboration with the Program Director and the parent(s) or guardian of the alleged victim.

5.3.2 Notification and Interview of the Accused

In all cases, the accused named in the allegation shall be notified promptly in person, if possible, within forty-eight hours of the allegation.

5.3.2a Notification shall be conducted by the appropriate person(s) indicated as follows:

- 1.** The Vicar General or the Vicar for Priests, if the accused is a priest; the Director of the Permanent Diaconate or the Vicar General, if the accused is a permanent deacon or deacon candidate; the Vocation Director or Vicar General, if the accused is a transitional deacon or seminarian; the Religious Superior, if the accused is an ordained religious.
- 2.** The Bishop's Delegate for Religious or the Vicar General, if a non-ordained religious. The Religious Major Superior will also be notified of the alleged allegation and will collaborate with the procedures of the Diocese of Raleigh and of the religious institute.
- 3.** The Director of Human Resources or the Diocesan COO/CFO, if the accused is a lay employee or volunteer.
- 4.** The Director of Human Resources or COO/CFO; the Principal or the Superintendent of Catholic Formation and Education, if the accused is an employee or volunteer at a Diocesan, parochial, a Diocesan endorsed private school or a parochial early childhood center.

5.3.2b The accused will be informed of the substance of the allegation and interviewed as to if there is any matter relating to the allegation on which he/she can offer comment.

If the accused primarily speaks a language other than English, the Program Director, in collaboration with the Vicar General, will provide a suitable person, competent in that language, to assist with the notification and the interview.

5.3.2c The accused is to be informed of the identity of the alleged victim with the provision under a canonical penal precept that the accused is not to contact directly the alleged victim. In addition, the

accused will be informed not to contact the alleged victim by proxy nor to publicly name the alleged victim or engage in any detraction or calumny which may harm the reputation of the alleged victim. These actions are taken to insure that the following is provided:

1. A safe environment for the alleged victim.
2. The reputation of all parties is protected from further accusations pending the outcome of the investigation.
3. The public is protected from further possible harm.
4. The integrity of the investigation is not compromised.

5.3.2d The accused will be advised of the process for the Preliminary Investigation according to the provisions of Canon 1717. During the Preliminary Investigation, the accused may be required to observe the requirements of a penal precept identified in the decree by the Diocesan Bishop. If the accused is a priest, the penal precept may indicate that he is asked not to celebrate the sacraments publicly, to reside in a neighborhood where no minors reside nearby, to refrain from being in the presence of minors and to be under the guidance of a senior Diocesan priest in active ministry. If the accused is a deacon, the penal precept may place similar restrictions, *mutatis mutandis*. If the accused is a religious or lay person, he/she shall be placed on administrative leave as determine by the Diocesan Employees Handbook and will not be permitted to be in the presence of minors on parish or school property, or in parish or school activities.

5.3.2e The accused will be informed of the presumption of his/her innocence in the process of the Preliminary Investigation. In addition, the accused will be informed that the process of the Preliminary Investigation is designed such that the reputation of the accused is to be protected from further accusations pending the outcome of the investigation.

The accused will also be informed of the right to civil counsel, the right to canonical counsel and the role of the civil authorities may have in the process of the Preliminary Investigation (see 5.3.3). The accused will be advised of the right to appear before the Review Board with counsel and/or other advocate once the Preliminary Investigation has been completed.

If the accused is a priest, the Vicar for Priests is to be available to offer spiritual support. If the accused is a permanent deacon or deacon candidate, provisions for spiritual support will be made available in cooperation with his family through the Office of the Permanent Diaconate. If the accused is a transitional deacon or seminarian, spiritual support will be coordinated with the seminary through the Office of Vocations. If the accused is a religious, spiritual support will be made available through their Major Superior.

5.3.2f Admission of the Truth of an Allegation

If in the Preliminary Investigation the accused is a priest or deacon freely admits that the allegation is true, pleads no contest or is found guilty in a civil or criminal proceeding, the Preliminary Investigation is concluded and, by a decree of the Diocesan Bishop, an administrative penal process is begun in accord with the provisions of Canons 1718 §1 3° and 1720.

In accord with the provisions of Canon 1722, a decree is issued by the Diocesan Bishop prohibiting the accused priest or deacon from the exercise of sacred ministry, removing him immediately from an appointed ecclesiastical office, restricting the place of his residence and participation in the celebration of the Holy Eucharist as may be prescribed.

Subsequent to the issuance of this decree, the appropriate notifications shall be made as follows:

1. In accord with the USCCB “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons,” 6, the Congregation for the Doctrine of the Faith is notified by the Diocesan Bishop.
2. The current and previous parishes where the priest or deacon was appointed shall be notified by the Diocesan Bishop through the Vicar General.
3. The presbyterate, pastoral administrators and the Diocesan staff shall be notified by the Diocesan Bishop.

The accused cleric, having admitted the truth of an allegation, will be offered appropriate medical and psychological assistance and advised to seek the counsel of an attorney qualified in civil and Canon Law, if such has not been retained.

If the accused is a lay person, and freely admits that the allegation is true, pleads no contest or is found guilty in a civil or criminal proceeding and the Preliminary Investigation is concluded, he/she shall be immediately terminated as an employee or dismissed from a volunteer position.

5.3.3 The Process of the Preliminary Investigation

Upon notification of the appropriate law enforcement authority or agency of an allegation of sexual abuse of a minor, and a denial of the allegation by the accused, the Program Director will ascertain if law enforcement authorities intend to conduct an investigation.

5.3.3a If an investigation is not to be conducted by law enforcement authorities, the Diocesan Bishop will decide on the continuation or termination of the Preliminary Investigation in accord with the provisions of Canons 1717 and 1718. If the continuation of the Preliminary Investigation is to occur, interviews by an independent investigator(s) are to be conducted as prescribed below.

5.3.3b If an investigation is to be conducted by law enforcement authorities, the Program Director will initiate contact with the law enforcement authorities to ascertain the progress of the investigation and if any collaboration may be possible with an independent investigator(s) retained by the Diocese of Raleigh.

5.3.3c If such collaboration is not possible between the law enforcement authorities and the independent investigator(s) retained by the Diocese of Raleigh, the Program Director will remain in contact with the law enforcement authorities regarding the progress of their investigation. No supplemental investigative activity by the Diocese of Raleigh is to occur during this period so as not to compromise the integrity of the investigation being conducted by the law enforcement authorities.

5.3.3d If the investigation by the law enforcement authorities concludes that no criminal activity has occurred, the Diocesan Bishop will decide on the continuation or termination of the Preliminary Investigation in accord with the provisions of Canons 1717 and 1718.

5.3.3e If the investigation by the law enforcement authorities concludes that criminal activity did occur, and the independent investigator(s) has not collaborated with the law enforcement authorities, the independent investigator will be asked to conduct or obtain the statements from interviews as prescribed below.

5.3.3f Interviews by the Independent Investigator(s)

The Independent Investigator(s) will meet with the following persons individually as soon as possible:

- 1.** The person(s) making the allegation.
- 2.** Parents, guardian or other responsible adult of the minor alleged to have been abused.
- 3.** The alleged victim accompanied by the responsible adult and a victim advocate, if requested. If an alleged minor victim is less than 13 years of age or is developmentally delayed, the child will be interviewed by a professional trained in interviewing child victims and the interview will be coordinated with civil authorities so as not to interfere with an on-going investigation or contaminate the child's report.
- 4.** The accused in question may be accompanied by the Vicar for Priests, or a person of his choosing, if the accused is a priest; the Director of the Permanent Diaconate, if the accused is a permanent deacon or deacon candidate; the Bishop's Delegate for Religious, or a person of his/her choosing, if the accused is a non-ordained religious; the Vocation Director, if the accused is a transitional deacon or seminarian; and an advocate of his/her own choosing, if a lay employee or volunteer. The accused may also be accompanied by legal counsel.
- 5.** Any other persons who may have information pertinent to the allegation and helpful to the inquiry.

If the primary investigator is a male and the alleged victim to be interviewed is a female, the primary investigator is to employ the assistance of a female independent investigator. If the primary investigator is a female and the alleged victim to be interviewed is a male, the primary investigator is to employ the assistance of a male independent investigator. Each investigator is to have demonstrated training, competency and experience in the investigation of sex crimes and/or sexual child abuse.

If those to be interviewed speak a language other than English, the Program Director, in collaboration with the Vicar General, will provide a suitable person, competent in that language, to assist with the interview.

5.4 The Assembly of Facts

A complete written account of the interviews conducted will be prepared by the investigator(s) for referral to the Review Board, but a preliminary report shall be forwarded to the Diocesan Bishop, the Vicar General, the Program Director and the Diocesan Counsel, as soon as reasonably possible. The complete written account of the interviews conducted, along with the findings of any law enforcement investigations, if available, appropriate personnel information, correspondence or other pertinent and related documents will constitute the materials necessary for the assembly of the facts in accord with the provisions of Canon 1718 §1.

5.5 Consultation with the Diocesan Review Board

The Review Board will meet as soon as practical once any investigation by law enforcement authorities and/or the Preliminary Investigation have been completed. In the presence of a quorum, the board will carefully examine all information obtained that is relevant to the allegations. The presence of four members of the Board will constitute a quorum for official action of the Review Board. After due deliberation, the board may take any/or all of the following actions:

- a.** to request additional information.
- b.** to request interviews with persons involved or knowledgeable about the allegation.
- c.** to interview the accused when requested by him/her or when the board determines such an interview would be helpful.
- d.** to recommend to the Diocesan Bishop that the allegation has a semblance of truth which warrants further action in accord with the provisions of penal law.

e. to recommend to the Diocesan Bishop that the allegation appears to be without a semblance of truth or has not been sufficiently established and should not be considered further unless new information becomes available.

5.6 The Penal Processes and Other Administrative Acts

Following the conclusion of the Preliminary Investigation, in accord with the provisions of Canon 1718 §1, 1-3°, the assembly of facts, the recommendation of the Review Board that there is a semblance of truth to the allegation that the sexual abuse of a minor may have occurred, and/or the issuance of criminal charges by law enforcement authorities, the following actions will take place:

5.6.1 Priests/Deacons

In accord with the provisions of Canon 1722, a decree is issued by the Diocesan Bishop prohibiting the accused priest or deacon from the exercise of sacred ministry, removing him immediately from appointment to ecclesiastical office, restricting the place of his residence and participation in the celebration of the sacramental life of the Church, with special regard to Holy Eucharist, as may be prescribed. The canonical limitations of these actions are taken into account for the priest who is a pastor.

5.6.1a Subsequent to the issuance of this decree, the appropriate notifications shall be made as follows:

- 1.** In accord with the USCCB “Essential Norms for Diocesan or Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons,” paragraph 6, the Congregation for the Doctrine of the Faith is notified by the Diocesan Bishop.
- 2.** If the case would otherwise be subject to prescription, the Diocesan Bishop shall apply to the CDF for a dispensation from prescription.
- 3.** The Diocesan Bishop, in his notification of the CDF, shall submit a *Votum* on the particular form of the penal process he recommends regarding the accused, whether a judicial penal process, an administrative penal process or the penal remedy of prayer and penance. Unless the CDF calls the case to itself, the Diocesan Bishop will be given direction by the CDF regarding the particular penal process to be followed or the penal remedy to be administered.
- 4.** The current and previous parishes where the priest or deacon was appointed shall be notified by the Diocesan Bishop through the Vicar General.
- 5.** The presbyterate, pastoral administrators and the Diocesan staff shall be notified by the Diocesan Bishop.

5.6.1b The accused priest or deacon will be offered appropriate medical and psychological assistance and advised to seek the counsel of an attorney qualified in civil and Canon Law if such has not been retained.

5.6.2 Non-Ordained Religious

An accused non-ordained religious will be immediately removed from his/her ecclesiastical appointment or duties and the competent Major Religious Superior will be notified.

5.6.3 Lay Employees/Volunteers

An accused lay person shall be immediately terminated as an employee or dismissed from a volunteer position and/or any further relationship with the Diocese of Raleigh by the appropriate authority (pastor, principal, etc.), in accord with Diocesan personnel policies. The Review Board is to be informed of the case and the employment actions taken.

5.6.4a In every case involving canonical penalties, the process provided for in Canon Law shall be observed and the various penal provisions of Canon Law shall be considered, including a request by the

priest or deacon for dispensation from the obligations of the clerical state and the request by Diocesan Bishop that the priest or deacon be dismissed from the clerical state. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. The offending priest or deacon will be offered professional psychological or psychiatric assistance as well as spiritual direction.

5.6.4b If the penalty of dismissal from the clerical state is not applied (e.g. in the case of advanced age or infirmity) the offender may be assigned the remedy of leading a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to administer the sacraments, to wear clerical garb or present himself publicly as a priest.

6. Communications

The Diocese of Raleigh is committed to openness and honesty with the public and equally to the protection of privacy and the good reputation of all individuals involved in allegations of sexual abuse of minors. All requests for information made by outside parties to anyone (officials, employees or volunteers) regarding matters of sexual abuse of minors shall be referred to the Diocesan Director of Communications. Any communication to be made is done in collaboration with the Vicar General, the Diocesan COO/CFO and the Diocesan Counsel.

7. Confidentiality and Disclosure of Information

The Vicar General is the custodian of all information obtained in cases of allegations of sexual abuse of minors and is responsible for maintaining the system which ensures the security of the information. In collaboration with the Diocesan Bishop, the Diocesan COO/CFO, the Diocesan Counsel and the Diocesan Director of Communications, information may only be disclosed:

- a. to provide the accused with information to respond to the allegation. The release of any information to the accused will be done only if it does not compromise providing a safe environment for the alleged victim, especially if he/she is still a minor.
- b. to provide the person making the allegation as well as the accused with information on the progress of any inquiry, investigation or canonical penal process in a timely manner.
- c. to provide immediate access to all information to the Diocesan Bishop or his designee, the Program Director, the Promoter of Justice and the chairperson of the Review Board.
- d. to provide appropriate information to competent major superiors of a religious community or appropriate officials of another Diocese.
- e. to provide such information as may be required by law to public authorities.

7.1 The Diocese of Raleigh will not enter into confidentiality agreements except for grave and substantial reasons, brought forward by the victim/survivor, which are noted in the text of any such agreement.

8. Victim Assistance and Pastoral Outreach Program

The Diocese of Raleigh, through the Victim Assistance Coordinator, will provide pastoral care to victims, families, parishes and affected communities essential to beginning the healing process. This pastoral care includes:

- a. Acknowledgement and a compassionate pastoral attendance to feelings of anger, pain and mistrust.

b. Under the provisions of the *Charter*, the alleged victim will be advised by the Program Director that he/she has the right to meet with the Diocesan Bishop. So as to provide for the integrity of the investigative process, the alleged victim may meet with the Diocesan Bishop upon the completion of the investigation by the law enforcement authorities, the completion of the Preliminary Investigation, and the reception by the Diocesan Bishop of the recommendation of the Review Board regarding the Preliminary Investigation.

If criminal proceedings have been initiated prior to the reception by the Diocesan Bishop of the recommendation of Review Board, the Diocesan Bishop may meet with the alleged victim prior to the conclusion of any criminal proceedings, upon request from the alleged victim and consultation with the law enforcement authorities.

If the alleged victim is a minor, scheduling for any meeting will occur in collaboration with the Program Director and the parent(s) or guardian of the alleged victim.

c. Assessment, counseling and therapeutic interventions by competent professionals as mutually agreed upon by the individual requesting victim assistance from the Diocese of Raleigh.

d. Education of the parish and community to facilitate understanding, support and acceptance of victims and how to access victim assistance when needed.

e. Pastoral counseling for affected faith communities and families.

f. Providing education and training for clergy and other church personnel on the services of the Victim Assistance and Pastoral Outreach.

9. A Summary of Diocesan Safe Environment Programs

To promote a safe environment for children and young people in the Diocese of Raleigh, the following policies and procedures have been initiated.

9.1 Background checks utilizing the resources of law enforcement and other community agencies are conducted for all Church personnel who directly and regularly minister to minors. Accepted screening and evaluation techniques are employed in determining an applicant's fitness for ordination to the priesthood or permanent diaconate or for service to or employment by the Diocese of Raleigh. The process and tools for screening and evaluations are reviewed every three years by the Program Director in collaboration with the Director of Vocations or the Director of Human Resources.

9.2 No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for appointment to ministry in the Diocese of Raleigh.

9.3 Before a priest or deacon can be transferred for residence to another Diocese or religious province, the Bishop of Raleigh shall forward, in confidence, to the local Diocesan Bishop and/or religious Provincial of the proposed place of residence, any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has

been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

9.4 The Bishop of Raleigh, when he considers receiving a priest or deacon from outside his jurisdiction for appointment in the Diocese of Raleigh, will obtain the necessary information regarding any past allegation or act of sexual abuse of a minor by the priest or deacon in question and/or any other information indicating that he has been or may be a danger to children or young people.

9.4.1 All superiors of religious communities proposing names of individual religious for ministry, residency or parochial faculties in the Diocese of Raleigh are required to state clearly in writing to the Bishop of Raleigh that there is no history which would render the individual unsuitable to work with minors. All allegations, even if proved false, should be included with a statement that no semblance of truth was found associated with the allegation. All religious communities are expected to abide by the policies and procedures of the Diocese of Raleigh should allegations of sexual misconduct be made against an individual religious serving in a Diocesan parish or facility.

9.4.2 The Diocesan Bishop of those Diocesan priests or deacons from other Dioceses ministering or residing in a parish or institution in the Diocese of Raleigh are required to present the same written assurances to the Bishop of Raleigh regarding the suitability of the individual for ministry, especially to minors.

9.4.3 Priests or deacons seeking incardination in the Diocese of Raleigh shall be required to submit a canonical petition for incardination and to complete a background check, and psychological testing as necessary to determine their suitability to minister to minors.

9.4.4 No pastor/parochial administrator, associate pastor or director of any Diocesan institution, agency or facility is permitted to grant residence in a Diocesan owned residence or grant full, part-time, weekend ministry to an extern priest, deacon or religious until a letter of approval or appointment has been received from the Bishop of Raleigh. This letter shall indicate that written assurances have been obtained from the appropriate religious Superior and/or Diocesan Bishop that the priest or deacon is suitable for ministry to minors in accordance with canonical and Diocesan norms.

9.4.5 Protocols with Institutes of Consecrated Life, Societies of Apostolic Life, Personal Prelatures and Public Associations of the faithful whose members may seek faculties for ministry or employment in the Diocese of Raleigh are required complete a background check, and to present documentation from the appropriate Superior that accused member will abide by the policies and procedures of the Diocese of Raleigh regarding Child and Youth Protection, and that the member does not have a history that would render them unsuitable for ministry to minors.

9.5 Education and training initiatives for children, youth, parents, ministers, and educators about ways to initiate and maintain a safe environment for children will be conducted regularly.

9.6 The Diocese of Raleigh will collaborate with other churches, ecclesial communities, institutions of learning and community organizations in addressing the effects of sexual abuse in our society, analyzing the root causes of the problem and providing the best practices to insure a safe environment for children and youth.

10. Information Questionnaire

All Church personnel working in an environment where children are being served, are required to be appropriately screened and evaluated prior to beginning their duties. Safe environment training must be completed within three months of commencement of personnel duties. Personal Information Sheets are to be completed by all employees and volunteers. Employees' forms are to be kept in their personnel files and volunteer forms are to be kept in an appropriate file at the parish or agency. Clergy are to complete the Clergy Personal Information Sheet. The completed forms are to be kept in their personnel file in the Office of the Bishop of Raleigh. All Church personnel shall attest to the fact that they have read, understand and agree to abide by the Code of Conduct and the Policies and Procedures of the *Program for the Protection of Children and Young People* and will yearly reaffirm this statement regarding the issue of child sexual abuse.

11. Sanctions

Church personnel who fail to comply with the provisions of the policies of the *Program for the Protection of Children and Young People* will be subject to such action(s) by the Diocese of Raleigh as may be deemed necessary up to and including termination from any positions with the Diocese and/or with any parish, mission or other Catholic institutions and organizations which are subject under Canon Law and/or civil law to the administration, authority or governance of the Diocese. If a priest or deacon is in non-compliance with these provisions, sanctions may be applied in accordance with the provisions of Canon Law; this constitutes a canonical warning requiring compliance with these provisions in accord with Canon 1347 §1. Applicants for positions in the Diocese of Raleigh who fail to comply with the *Program for the Protection of Children and Young People*, or who answer falsely any pertinent questions on the application form, shall be denied hiring or removed from a position. Similarly, all who provide false answers on the annual attestation form will be removed from a position.

12. Conclusion

The *Program for the Protection of Children and Young People* was adopted on March 1, 2003. This Program will continue to be reviewed as often as necessary and at minimum every two years to insure its full compliance with the *Charter, The Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors*, and applicable civil and Canon Law. **These revised norms for the *Program of Protection for Children and Young People* in the Diocese of Raleigh are promulgated as particular Diocesan law by the Most Reverend Michael F. Burbidge, Bishop of Raleigh, on May 4, 2010 and effective immediately. All particular law contrary to these norms is abrogated with this promulgation.**

Receipt of Handbook

I have been given access to the Catholic Diocese of Raleigh's on-line employee handbook which outlines its policies, practices and benefits. I understand how to view the handbook on-line and have read and studied its contents. I agree to be guided by the policies and procedures contained in the handbook.

Since the information in this handbook is necessarily subject to change as situations warrant, it is understood that changes in policies may supersede, revise, or eliminate the policies as stated in the handbook. Changes may be made with or without advance notice. However, changes will only be made as authorized and approved by the Bishop.

By signing this Receipt of Handbook, I expressly consent to monitoring, auditing, review, and storage of any documents, files, or communications created, transmitted, or stored on any computer, cell phone, PDA, telephone, or other technology resources owned or supplied by the Diocese.

Employee Name
(Please Print)

Employee Signature

Date Signed