

**The Unitarian Universalist Congregation  
of Fort Wayne**

**PERSONNEL POLICIES AND  
PROCEDURES**

Approved by the Board of Trustees on April 15, 2014

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## **A. PURPOSE**

1. The purpose of this manual is to present and define policies and procedures regarding employment with the Unitarian Universalist Congregation of Fort Wayne (UUCFW).
2. The Personnel Policies and Procedures Manual is not a contract and may be modified or changed at any time by the Board.
3. The Personnel Policies and Procedures Manual is not intended to alter the at-will status of employment at UUCFW. Except for employees who have written contractual agreements stating a term of employment, both UUCFW and the employee can terminate the employer-employee relationship for any reason or for no reason whatsoever.
4. The manual refers to general employment policies and practices for UUCFW. Individual letters of employment will define specific terms of employment. Note that the policies outlined in this manual do not apply to ordained ministers called by the congregation.
5. The Board of Trustees has overall responsibility for the employees of this congregation.

## **B. RESPONSIBILITIES**

1. The Minister is Chief of Staff. The Minister participates in annual staff evaluations and recommends personnel actions to the Board of Trustees. The Board and Minister will jointly decide on hiring, discharging, and changing compensations of church staff.
2. Periodically the Board of Trustees will appoint a Personnel Task Force to review policies covering job descriptions, hiring practices, compensation ranges, continuing education, insurance and other benefits, vacation leave, and evaluating employees regularly. This review ensures that the church complies with federal and state laws regarding non-discrimination.

## **C. EMPLOYEE RECRUITMENT AND HIRING**

1. The employee's supervisor, the chair of the committee related to the position being filled, and an appointed member of the Board will interview and make a recommendation to the Board for hiring.
2. Employee agreements, designed by those responsible for filling positions, will define specific terms of employment and expectations for the first year.
3. Initial evaluations will be conducted three months after employment and annually by April 30 thereafter. Evaluations and agreements will be sent to the Board for review.

4. Staff evaluations, employment agreements, and job descriptions will be kept in locked personnel files in the Supervisor's office.
5. It is recommended that employees not be members of the congregation. The Board of Trustees may make exceptions to this guideline as it considers appropriate. Interviewees who are current UUCFW members shall be provided a copy of "When a Member Joins the Staff", an excerpt from a 1998 article by Dan Hotchkiss, in First Days Record. See Appendix A.
6. The Board of Trustees is responsible for setting the number of hours, compensation, and benefits for all employed staff.
7. The Religious Education (RE) Committee shall establish guidelines for selecting child care providers. The committee, or someone designated by the committee, shall screen prospective childcare providers for suitability. Prospective providers may be asked to provide references, sign a code of ethics, and promise to abide by the UUCFW guidelines. Anyone expected to provide childcare will be asked to give permission to check for a criminal record. Childcare providers will be responsible teen-agers and adults. Records of screening and forms signed by childcare providers must be kept on file for at least 25 years.

#### **D. HARASSMENT**

1. The Congregation should be free of personal harassment and intimidation; therefore, UUCFW does not condone any conduct that can be construed as harassment. UUCFW intends to provide an environment that is pleasant, comfortable, and free from intimidation, hostility, or other offenses that might interfere with work performance or congregational activities. Harassment of any sort -- verbal, physical, and visual -- is inconsistent with our belief in respect for the individual and will not be allowed or tolerated.
2. The intent of this policy is to protect everyone, both from being subject to personal harassment and from being unjustly accused of causing harassment.
3. Definition. Harassment can take many forms. It may be, but is not limited to, words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature. Harassment includes offensive language, gestures, physical contact, or other conduct that creates a hostile environment.
  - a. Personal harassment is behavior consisting of words or actions that cause personal offense, embarrassment, or humiliation. The harassment may be on the grounds of race, ancestry, color, place of origin, citizenship, creed, sex, age, religion, affiliation, sexual orientation, or handicap. Harassment includes conduct that unreasonably interferes with a person's job performance or creates an intimidating, offensive, or hostile environment.

- b. Sexual harassment is a serious form of personal harassment. Generally it takes the form of unwelcome sexual comments, gestures, or physical contact. Offering job-related favors or promises in return for submission to sexual advances constitutes sexual harassment. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature. When such conduct is made a condition of employment or compensation, either implicitly or explicitly, it creates an intimidating or hostile environment or prevents an individual from effectively performing the duties of their position.
4. Responsibilities. Everyone is responsible for keeping our congregational environment free of harassment. If anyone has a problem with, or questions concerning harassment, he/she must report it. If the immediate supervisor is part of the problem, go to the next level of management. There will be no retaliation for reporting harassment and all reports of harassment will be investigated. Any employee or layperson who becomes aware of an incident of harassment, whether by witnessing the incident or being informed of it, must report it to the Minister or a member of the Board of Trustees. When the Board becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the church to do so.
5. Reporting. If an employee or layperson feels they have experienced harassment, they are to report the incident immediately to the Minister, or to the President of the Board of Trustees when the person accused of harassing is the Minister. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. An employee's individual privacy will be of utmost importance.
6. Investigations. Absent a conflict of interest, the Minister is responsible for all investigations of unlawful discrimination or harassment. Although investigations will be conducted with sensitivity to confidentiality issues, investigative information will be communicated as appropriate to those with a need to know. If the investigation indicates that a violation of this policy may have occurred, timely and appropriate action will be taken by the Board of Trustees.
7. Consequences. Any employee or layperson found to have harassed a fellow employee, layperson, or subordinate will be subject to immediate corrective action, and/or severe disciplinary action up to and including possible discharge depending on the circumstance. The Board of Trustees will also take any additional action necessary to appropriately correct the situation. The Board of Trustees will not retaliate against any employee who makes a good faith report of alleged harassment, even if the employee was in error.

8. Liability. UUCFW accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens, or in any way harasses another employee is personally liable for such actions and their consequences. UUCFW will not provide legal, financial, or any other assistance to an individual accused of harassment if a legal complaint is filed.

## **E. EMPLOYEE RELATIONS AND COMMUNICATIONS**

### **1. PERFORMANCE EVALUATION**

UUCFW recognizes the value of feedback on job performance. The Minister and staff will develop the system for employee performance evaluation based on good management practices and professional UUA guidelines as appropriate.

### **2. WORK AND DISCIPLINARY GUIDELINES**

Certain guidelines must be observed by all employees to protect the integrity of the congregation. Engaging in any of the following examples of unacceptable conduct may result in disciplinary actions. These examples are intended only as a guide and are not all-inclusive.

- Disclosure of confidential information.
- Failure to perform work in a manner acceptable to Employer.
- Absenteeism or tardiness.
- Leaving work early without permission.
- Failure to report absences as required.
- Discrimination or harassment described in this manual.
- Using, selling, possessing, or being under the influence of alcohol or controlled substances (other than those used for bona fide medical purposes) while working or on Employer premises (including meal and other breaks).
- Unauthorized possession of weapons.
- Smoking in unauthorized areas.
- Failure to report on-the-job injuries.
- Failure to accurately complete or permitting another person to complete the employee's time sheet.
- Engaging in, or encouraging, political lobbying activity among members of the congregation intended to manipulate or change the conditions of employment of an active staff member.
- Theft or dishonesty.
- Falsifying records or information (or misuse or unauthorized manipulation of any computer or electronic data processing equipment or system).
- Discourteous treatment of others.

- Taking Employer property without paying for it or without written permission.
- Reckless, careless, or unauthorized use of Employer property, equipment, or materials.
- Improper or profane language.
- Excessive personal use of mobile phones.
- Violation of any other employment policies.

### **3. PROGRESSIVE DISCIPLINE**

a.) Progressive discipline is dependent upon the severity of the performance or behavior problem and may include some or all of the following steps:

- i. Oral counseling
- ii. Written memo of concern
- iii. Written reprimand
- iv. Limited suspension with pay
- v. Limited suspension without pay
- vi. Termination
  - Voluntary – the employee will submit a letter of resignation to their immediate staff supervisor. The Board will determine the proper action and timing of a replacement. It is advisable to work out some time for training of a new employee.
  - Involuntary – the immediate staff supervisor, in conjunction with the Board of Trustees, may determine the need for termination of employee. Prior to the final decision of termination, an employee may ask for a hearing before the Board of Trustees.

b.) All incidents of unsatisfactory performance and misconduct should be brought to the attention of the employee at the earliest possible opportunity by the employee's supervisor.

c.) All progressive disciplinary actions, other than oral counseling, must be documented by the supervisor, copied to the employee, and entered into the personnel file. The Board of Trustees should be consulted when progressive disciplinary actions (c-e) are being considered.

d.) In the case of disciplinary action (f), termination, the supervisor must consult with the Board of Trustees or Executive Team prior to taking action.

e.) The employee may submit his or her own documentation regarding a progressive disciplinary action, which will be entered into the personnel file of the employee and shared with the Board of Trustees.

f.) Nothing in this procedure is intended to alter the at-will employment relationship of any employee with UUCFW. Progressive discipline is

discretionary and UUCFW may, at its sole discretion, elect to utilize any appropriate disciplinary action as necessary, including termination.

#### **4. GRIEVANCE PROCEDURE**

a.) The employee first discusses problems with his/her supervisor. The supervisor is responsible for conducting the discussion objectively and confidentially and to initiate action to resolve the problem. The employee shall not be subjected to intimidation or reprisal for assertion of any employment complaint.

b.) If the problem is not resolved to the employee's satisfaction, he/she may present a written grievance in accordance with the steps outline below.

Grievances are to be resolved in the shortest time consistent with careful consideration. Approximate time limits have been suggested for each step.

Step 1: Within five (5) calendar days of the discussion with the supervisor, the employee shall submit the written details of the grievance to the supervisor. Within five (5) calendar days following the receipt of the written grievance, the supervisor shall meet with the employee (and a third party from laity, mutually agreed upon as a silent witness if the employee so chooses). The supervisor and employee will discuss the concern and the supervisor will respond in writing within five (5) calendar days of the meeting. If the immediate supervisor is not the Minister, he/she should review the proposed reply with the Minister before giving it to the employee.

Step 2: If the grievance is still unresolved, the employee may request that the chair of the Executive Committee of the Board of Trustees convene a confidential meeting of that committee to review his/her grievance. The employee's written request, together with all previous written correspondence relating to the grievance, should be submitted to the chair of the Executive Committee of the Board of Trustees within five (5) days of the final Step 1 meeting. The Executive Committee of the Board of Trustees will meet with the employee to review the grievance within ten (10) calendar days of receipt. The chair will issue a written decision to the employee within five (5) calendar days following the meeting.

Step 3: If the employee is still not satisfied, he/she may request a meeting with the Board of Trustees. The written request with accompanying correspondence must be submitted to the President within five (5) calendar days following receipt of the Step 2 response. The President will respond to the request by scheduling a special, confidential Board meeting at a mutually convenient time. The Board shall render its decision within five (5) calendar days of the special meeting and its decision shall be final.



## **F. COMPUTER, E-MAIL, AND INTERNET USE**

UUCFW maintains an e-mail and Internet system that may be used by authorized employees and volunteers in connection with UUCFW business in accordance with the following guidelines:

1. The hardware and software used in conjunction with the email and Internet system is UUCFW's property. All e-mails or files received over the system constitute UUCFW records and may be accessed by UUCFW at any time for any reason. Employees understand that email and Internet usage using UUCFW's property is not private.
2. Employees must use UUCFW e-mail and Internet systems in accordance with professional standards of behavior. Employees are prohibited from using the e-mail or Internet systems to distribute inappropriate jokes, pictures, or otherwise offensive or disruptive messages.
3. Outside the scope of their employment, employees may not transmit confidential information regarding UUCFW, its business, its employees, or its members without the express authorization of a supervisor.
4. The e-mail and Internet system is provided for use by authorized employees in connection with performing their job duties. While we recognize that employees may use the system for non-business related reasons from time to time, abuse or overuse of the system will result in disciplinary action.
5. Due to viruses and other malware, the downloading of anything from the Internet other than business-related material is prohibited.
6. Employees should direct all questions regarding the proper use of UUCFW email and Internet systems to the Minister. Any employee who discovers or suspects a violation of this policy must notify the Minister immediately. Violations of this policy may result in disciplinary action up to and including termination of employment.

## **G. MEDIA INQUIRIES**

All requests or inquiries from any media source involving information not already provided through official UUCFW channels shall be directed to the Minister. In cases where the Minister is absent or unable to fulfill this role, or when the inquiry requires a response from the Board of Trustees, the request shall be directed to the President, his or her designee, or any person authorized by the Board.

## **H. CONFIDENTIALITY**

1. Employees will protect the confidentiality and privacy of information about members, friends, and staff of UUCFW.
2. Confidential information may not be released, removed from UUCFW's premises, copied, transmitted, or in any way used for any purpose by employees outside the scope of their employment.
3. All requests for information concerning past or present employees received from organizations or individuals should be directed to the Congregational Administrator.
4. In response to these requests the Congregational Administrator may only provide the following information: dates of employment, status (full or part-time), and his/her job title. Additional information requires written permission from the employee in question.

## **I. CONFLICTS OF INTEREST**

1. It is the responsibility of all employees and the Board of Trustees to engage in ethical behavior and practice. Employees and Board members are expected to avoid conflicts of interest, defined as any situation where an employee may attain personal gain that may serve to be detrimental to UUCFW, either monetarily or to its public image. Such conflicts of interest could involve the use of information, property, or personal contact which is not generally available except through employment with UUCFW.
2. Employees and Board members shall not engage in any business or transaction, nor have a financial or other personal interest, direct or indirect, that is incompatible with the proper discharge of their official duties or tends to impair their independence, judgment, or action in the performance of such duties for UUCFW.
3. Persons in the service of UUCFW shall not accept money or other considerations of favors from anyone in exchange for the performance of an act that they would be required or expected to perform in the regular course of their duties. This prohibition would not normally include items such as plaques, souvenirs, honorariums, or mementos of nominal value often associated with a given event. Employees or Board members shall not accept gifts, gratuities, or favors of any kind that might reasonably be interpreted as an attempt to influence their actions with respect to UUCFW business.
4. Employees who have questions about whether an activity violates this policy should discuss the matter with their supervisor.

## **J. OUTSIDE EMPLOYMENT**

1. Employees shall not engage in any collateral employment or business activity that is incompatible or in conflict with their duties, functions, or responsibilities

as an employee of UUCFW. Activities that may constitute a conflict include: the use of UUCFW work time, facilities, equipment, or supplies and/or the use of the title, prestige, or influence of UUCFW for private gain or advantage. An employee shall not engage in any collateral business activity or employment, which, by its nature, hours, or physical demands, would impair the required quality or quantity of the employee's work with UUCFW, impair the employee's independence of judgment or action in the performance of official duties, reduce the effectiveness or efficiency of the employee's department, reflect discredit on UUCFW, or tend to increase UUCFW's payments for Sick Leave, Worker's Compensation benefits, or Long Term Disability benefits.

2. Employees shall not use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.
3. With full disclosure, the Board of Trustees can make exceptions to provisions of this policy.

#### **K. PERSONNEL RECORDS**

1. Personnel records for all employees except the Minister shall be maintained in accordance with state and federal law. Each employee will have a personnel file which contains the I-9 immigration form, a payroll file, and an insurance file.
2. The Minister's confidential personnel file is to be kept by the current Congregational President and passed to the next Congregational President. This file must not be kept in the Congregational Administrator's or Minister's Office. This file should contain all evaluations, contract, and any other confidential information.
3. Personnel files will be stored in a locked cabinet in their supervisor's office at UUCFW and will contain, where applicable:
  - Employment form that will contain: address, telephone number, legal change in employee's name, person to contact in case of emergency
  - Resume and/or other materials submitted upon application
  - Copy of driver's license
  - Documentation related to licensing or education
  - Letter of employment
  - Performance appraisal(s)
  - Documentation of change of position
  - Letters of recognition
  - Documentation of progressive discipline
  - Termination letter
4. Payroll file will include W-4, past years' W-2 copies, pre-tax elections, authorization for payroll deductions, actual hours worked or "full time" designation, insurance premiums, documentation of change in pay, and retirement plan contributions.

5. Insurance file will include the following: Benefit election/rejection forms, enrollment forms, children's birth certificates, adoption/guardianship documents, and beneficiary changes.
6. Personnel records shall be stored for a minimum of five years after termination of employment. Following this period, outdated records shall be shredded.

## **L. COMPENSATION AND BENEFITS**

1. In the area of compensation and benefits, UUCFW will follow all federal and state laws and will strive to be fair to employees. Upon hire, an employee will receive a letter of employment stating job title, compensation, and start date. For questions regarding compensation and benefits, employees should contact the Congregational Administrator. UUCFW may alter, increase, or reduce benefits at its discretion, in compliance with Indiana and federal law.
2. Definitions
  - a.) Benefit Eligible Employee: An individual, other than the Minister, who is employed by the congregation for at least 1,000 (One Thousand) hours per calendar year.
  - b.) Benefit Ineligible Employee: An individual, other than the Minister, who is employed by the congregation for less than 1,000 (One Thousand) hours per calendar year.
  - c.) Exempt Employee: must (a) be paid at least \$23,600 per year (\$455 per week), and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (See Appendix B), promulgated by the U.S. Department of Labor. Most employees must meet all three "tests" to be exempt. Exempt employees are not entitled to overtime pay.
  - d.) Nonexempt Employee: are entitled to overtime pay.
3. Compensation
  - a.) Hourly employees will be paid biweekly; Salaried Employees are paid on the first of the month. They are responsible for promptly notifying their supervisor of any errors in the amount of their pay or deductions so that necessary adjustments can be made. UUCFW is responsible for the employer's share of FICA/Medicare taxes.
  - b.) Compensation adjustments generally will be considered for employees during the yearly budget process, but there is no guarantee of an annual wage increase. Any adjustments normally will start at the beginning of the fiscal year.

Compensation is based mainly on performance, job responsibilities, UUA guidelines, local wage information, and budgetary conditions.

Working with key staff and the Finance Committee, the Minister shall recommend compensation and staffing priorities to the Finance Committee, which prepares the budget. The congregation approves the final budget according to available income.

#### 4. Benefits

- a.) A range of benefits are available to qualified regular employees.
- b.) For purposes of benefit calculations, a “day” is equal to eight hours for a full-time employee, six hours for a three-quarter-time employee, and four hours for a half-time employee. All leave time will be accrued on a pro-rata basis.
- c.) Vacation, sick, holiday, and bereavement leave will be taken in increments of not less than one hour.

#### 5. Bereavement

- a.) A regular employee working 30 hours per week or more is eligible to receive paid bereavement leave of up to 3 days when a close relative dies. For bereavement leave, the following are examples of close relatives:
  - Spouse or domestic partner
  - Parent
  - Sibling
  - Child, stepchild, or ward
  - Parent of a spouse or domestic partner
  - Grandparent

#### 6. Health Insurance

UUCFW will contribute a portion of the health care insurance premium for benefit eligible employees working 30 hours or more per week who enroll in the employer’s health insurance plan.

#### 7. Holidays

- a.) At the discretion of the Minister, the Congregation’s building may be closed for holidays. Benefit Eligible Employees are paid for New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas. Benefit Eligible Employees are also eligible for one floating holiday taken (with supervisor’s approval) on a day of their choosing.
- b.) Benefit Ineligible Employees are not paid for holidays.
- c.) Employees may, at their request and the discretion of their supervisor, work compensatory time (straight-time) to make up for hours not worked due to

holidays, but only within the same workweek and only for less than half of a workday's time.

d.) Benefit Eligible Employees shall receive a proportional amount of pay for each paid holiday based on their Full Time Equivalent (FTE). Examples, an employee regularly working forty (40) hours per week would have an FTE of 1.0 and would receive eight (8) hours of pay for a holiday. An employee regularly working thirty (30) hours per week would have an FTE of .75 and would receive six (6) hours of pay for a paid holiday.

#### 8. Jury Duty

Regular employees who work 30 hours per week or more may be paid at their normal rate of pay for up to three days of leave per year for jury duty, state's witness duty, or service as a subpoenaed witness. Employees should come to work if excused early.

#### 9. Pension

The Unitarian Universalist Association (UUA) maintains a defined contribution qualified retirement plan to assist eligible employees to accumulate tax-deferred savings for retirement. UUCFW will contribute 12 percent of the employee's wages to this plan and the employee has the option of making additional voluntary contributions on a pre-tax basis. (See UUA plan for eligibility requirements.)

#### 10. Sick Leave

a.) Benefit eligible employees may use up to five (5) days of paid sick leave per calendar year. Sick leave may be used when an employee is ill, for medical appointments, or to care for a sick child or relative if the employee is the primary caregiver.

b.) Benefit Ineligible Employees do not have paid sick leave.

c.) In all instances, the employee's supervisor must be notified of the employee's status before the employee's normal shift would begin. If the supervisor is not available, the employee must notify the Minister.

d.) Sick leave does not carry accrue or carry forward to the next year. Accrued sick leave will not be paid to an employee upon separation.

#### 11. Telecommuting

As a general rule, employees are expected to perform their work at UUCFW. However, there are situations where it may be beneficial to the employee and/or UUCFW for the employee to work away from UUCFW property (Telecommuting). With supervisor approval, this may occur informally on an infrequent and random basis in cases of short-term need like a brief illness or snow emergency.

## 12. Unpaid Leave

Requests for unpaid leave shall be submitted in writing to the Minister. Approval may be granted for up to eight weeks with the consent of the Minister. Unpaid leave beyond eight weeks requires review and approval by the Board of Trustees and the Minister, and such leave will be granted only in extraordinary circumstances and when not detrimental to UUCFW.

## 13. Vacation Days

a.) Benefit Eligible Employees earn two (2) weeks of paid vacation per year during their first three (3) years of employment. Years three (3) to six (6), Benefit Eligible Employees earn three (3) weeks per year; after seven (7) years of employment, there are four (4) weeks per year earned.

i. Up to one (1) weeks' vacation time may be carried forward into the next calendar year.

ii. Increases in vacation accrual rate will be made on the first day of the new year.

iii. When a Benefit Eligible Employee leaves employment, they will be paid for any accrued vacation time in their final paycheck.

b.) Benefit Ineligible employees do not earn paid vacation/personal time off.

c.) Employees may, at their request and the discretion of their supervisor, work compensatory time (straight-time) to make up for occasional hours needed for personal business, but only within the same pay period and only for less than half of workday's time.

d.) Utilization of vacation hours must be arranged in advance with the supervisor.

## **M. TIMEKEEPING AND OVERTIME**

1. UUCFW will follow all federal and state guidelines regarding timekeeping and overtime compensation.
2. At the end of each pay period, non-exempt employees must submit a written and signed time sheet to their supervisor. Overtime will be paid to non-exempt employees at the rate of one and one-half times the regular rate of pay for all hours worked in excess of forty hours in any one work week (12:00 AM Sunday to 11:59 PM Saturday). Holidays, vacation time, and sick leave are not counted for purposes of overtime compensation.
3. The Minister has been authorized by the Board of Trustees to approve up to two (2) additional hours of work for employees above the number of hours defined in the individual's job description. More than two hours must be pre-approved by the Board of Trustees. Under most circumstances, it is expected that the

proposals for additional work by a regular or occasional employee or contractor will be approved by the Minister.



## APPENDIX A

### When a Member Joins the Staff\*

A congregation member who joins the paid staff can expect important changes in his or her relationship to UUCFW. The following list is meant to help you to anticipate how these changes may affect you. You may wish to discuss some of these items with the Minister and Search Committee at your interview.

A staff member is both a leader and an employee. Unlike a committee chair or congregation President, as a staff member you work for UUCFW. You are expected to follow policies adopted by the Board and committees and to cooperate with the minister and other staff. In order to keep the distinction clear, a staff member should normally not also hold lay leadership positions in the congregation. If you have a spouse in leadership, he or she must take care not to speak or vote on anything directly affecting you. You will of course promote your program, but objectively, advocating for the congregation's larger mission, not for what you personally prefer.

A staff member belongs to the staff team. Especially in small congregations, this may seem a little odd. Doesn't the RE Director really work for the RE program, and the music director for the choir? These relationships seem real and practical, while the "staff" may rarely meet. But in congregations of all sizes, conflict among staff is frequent and destructive. Lack of cooperation among staff causes frustration, failure, burnout and high turnover. For these reasons, no one should accept a paid job that does not expect to balance loyalty to one's "department" with a positive relationship to the whole staff team.

A staff member may need to find another minister. Your minister is still your minister for weddings, funerals, and other public functions, but for the more private, pastoral aspects of ministry there are some limits. Whether he or she is formally your supervisor or not, the minister's first role with staff is to lead the team. This means articulating the mission and goals of the congregation to you, seeing that you have the support you need to do your job, and giving you frank feedback about how you are doing. These roles may not be compatible with intense pastoral care or counseling, in which case you may have to look elsewhere for the ministry you need.

A staff member may need to find a new peer group. Your enjoyment of your peer group in UUCFW may be part of what moved you to apply for a staff job. For a time, the satisfactions of group membership continue, but eventually — with new members especially — you will be more a leader than a peer. As a staff member, you cannot be casually available to anyone who wants to chat. In time your relationship with fellow members shifts, and you will find that to feel truly relaxed and "off work," you need to find friends who are not part of your congregation.

As a member of the congregation, you bring unique experience, knowledge and enthusiasm to the paid staff. If you say “yes” to a staff position, you will join thousands of others who have moved from lay membership to professional service. Best wishes!

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\*(From First Days Record, 1998 “Becoming Staff” by The Rev. Dan Hotchkiss, a UU minister who is an Alban Institute field consultant.)

## APPENDIX B

*If there are questions, people should refer to the law because the law can change over time. Google the Department of Labor exempt and choose the link to [dol.gov](http://dol.gov).*

Wage and Hour Division (WHD) (Revised July 2008) ([PDF](#))

Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information on the exemption from [minimum wage](#) and [overtime pay](#) provided by Section 13(a)(1) of the Fair Labor Standards Act as defined by Regulations, [29 CFR Part 541](#).

The [FLSA](#) requires that most employees in the United States be paid at least the [federal minimum wage](#) for all hours worked and [overtime pay](#) at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both [minimum wage](#) and [overtime pay](#) for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

See other fact sheets in this series for more information on the exemptions for [executive](#), [administrative](#), [professional](#), [computer](#) and [outside sales](#) employees, and for more information on the [salary basis](#) requirement.

### [Executive Exemption](#)

To qualify for the executive employee exemption, all of the following tests must be met:

- The employee must be compensated on a [salary basis](#) (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

### [Administrative Exemptions](#)

To qualify for the administrative employee exemption, all of the following tests must be met:

- The employee must be compensated on a [salary](#) or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

### **Professional Exemption**

To qualify for the **learned professional** employee exemption, all of the following tests must be met:

- The employee must be compensated on a [salary](#) or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
- The advanced knowledge must be in a field of science or learning; and
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

To qualify for the **creative professional** employee exemption, all of the following tests must be met:

- The employee must be compensated on a [salary](#) or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

### **Computer Employee Exemption**

To qualify for the computer employee exemption, the following tests must be met:

- The employee must be compensated **either** on a [salary](#) or fee basis (as defined in the regulations) at a rate not less than \$455 per week **or**, if compensated on an hourly basis, at a rate not less than \$27.63 an hour;
- The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;
- The employee's primary duty must consist of:

- 1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- 2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- 3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- 4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

### **Outside Sales Exemption**

To qualify for the outside sales employee exemption, all of the following tests must be met:

- The employee's primary duty must be making sales (as defined in the FLSA), or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and
- The employee must be customarily and regularly engaged away from the employer's place or places of business.

### **Highly Compensated Employees**

Highly compensated employees performing office or non-manual work and paid total annual compensation of \$100,000 or more (which must include at least \$455 per week paid on a salary or fee basis) are exempt from the FLSA if they customarily and regularly perform at least one of the duties of an exempt executive, administrative or professional employee identified in the standard tests for exemption.

### **Blue Collar Workers**

The exemptions provided by FLSA Section 13(a)(1) apply only to "white collar" employees who meet the salary and duties tests set forth in the Part 541 regulations. The exemptions do not apply to manual laborers or other "blue collar" workers who perform work involving repetitive operations with their hands, physical skill and energy. FLSA-covered, non-management employees in production, maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to [minimum wage](#) and [overtime](#) premium pay under the FLSA, and are not exempt under the Part 541 regulations no matter how highly paid they might be.

### **Police, Fire Fighters, Paramedics & Other First Responders**

The exemptions also do not apply to police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole

or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

### **Other Laws & Collective Bargaining Agreements**

The FLSA provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any Federal, State or municipal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA. Similarly, employers may, on their own initiative or under a collective bargaining agreement, provide a higher wage, shorter workweek, or higher overtime premium than provided under the FLSA. While collective bargaining agreements cannot waive or reduce FLSA protections, nothing in the FLSA or the Part 541 regulation relieves employers from their contractual obligations under such bargaining agreements.

### **Where to Obtain Additional Information**

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

When the state laws differ from the federal FLSA, an employer must comply with the standard most protective to employees. Links to your state labor department can be found at [www.dol.gov/whd/contacts/state\\_of.htm](http://www.dol.gov/whd/contacts/state_of.htm).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.