

P-08 TERMINATION AND SEPARATION POLICY FOR SALEM PRESBYTERY

I. BACKGROUND:

We believe that ministerial relationships are called into being by God. The dissolution of such relationships is also to be understood as a response to God's intention. There are times in which disagreements arise about whether or not it is God's will for a specific work to change, continue, or end. Unfortunately, not all relationships between ministers and calling bodies are helpful to the mission of the whole church of Jesus Christ. We are facing a growing need to provide closure to ministerial relationships in serious conflict. We seek to respond to this need with compassion and justice. This policy provides guidelines for termination of these ministerial relationships through work of the Committee on Ministry in Salem Presbytery. (Although this policy refers particularly to ministerial relationships, it can provide termination guidance for any other employment in Salem Presbytery.)

The process of separation is a significant part of our ministry, reflecting the character and the priorities of the congregation or calling body, the minister, and the Presbytery. Almost every dissolution of a relationship between a minister and a church or calling body is a time of shared mourning and unsettled change. Unfortunately, when pastorates are terminated with severe disagreement, then conflict, blame, and pain are seriously damaging to the minister and to the whole church. This policy for the termination process is not primarily about negotiating time and money, but healing broken people. Redemption is possible when love, fairness, and concern are addressed to all affected parties.

II. PURPOSE:

The purpose of the policy is, generally, to provide guidance, understanding, consistency, and fairness of termination practice throughout the presbytery, and specifically, to aid ministers, sessions or calling bodies, and the Committee on Ministry in the painful task of negotiating a fair termination in a ministerial relationship.

III. PRINCIPLES:

- A. This policy is to be applied when reconciliation is unlikely; it is about negotiating a reasonable and appropriate solution for separation, not an attempt to restore the relationships.
- B. Respect for the ministerial offices of the minister and the session or calling body, and the witness of the church are to be preserved.
- C. Timing and compensation for relocation of a pastorate is a task to be determined with care, it is never perfunctory.
- D. The Committee on Ministry will manage discussion and negotiation throughout this process.
- E. A minister and a session or calling body will work together, without attempting to recruit sympathetic supporters.

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- F. The need for appropriate closure for the minister and for the calling body is to be acknowledged and respected.
- G. All conditions for separation shall be compatible with the provisions of the Book of Order.

IV. REASONS FOR SEPARATION:

- A. Separation by Staff Reduction. By no fault of the minister, necessary separation might occur with the elimination of a position, retrenchment in budget, or for other circumstances.
- B. Requested Separation. A request for dissolution of the pastoral relationship may be initiated by the minister or the calling body.
- C. Separation for Cause. Separation for cause shall include, but is not limited to: sexual misconduct, neglect in the care and use of church property or funds, conduct inconsistent with Presbytery standards, significant deviation from standards of Reformed theology, or other reasons which might lead to judicial process.

V. GUIDELINES FOR THE SEPARATION PROCESS:

- A. Every separation agreement shall be preceded by an appropriate process of reviewed evaluation, or conflict resolution, managed by the Committee on Ministry.
- B. All matters regarding the separation process shall be documented in writing by the session or calling body, with copies to the Committee on Ministry.
- C. The separation process shall be considered incomplete until the requirement of the Book of Order for the dissolution of the call have been met.

VI. SEPARATION PROCESS AND ALLOWANCES:

- A. Separation by Reduction –
 - 1. THE PROCESS – The calling body will consult with the Committee on Ministry and the ministry regarding the circumstances which necessitate staff reduction. Negotiation for the dissolution of the relationship may proceed with representation by the Committee on Ministry. The severance agreement shall be approved with written notice of the terms, signed by the minister and the authority for the calling body (e.g. the Clerk of Session), vote of approval by the calling body, and vote of approval by the Committee on Ministry to be communicated to Salem Presbytery.
 - 2. ALLOWANCES – Twelve months notice or six-months severance pay should be provided, beginning at a date approved in the agreement.
- B. Requested Separation – Requested Separation may be initiated by the minister or the calling body.

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1. THE PROCESS – The minister and the session or calling body shall meet with a representative from the Committee on Ministry to determine the advisability for dissolution of the relationship. Requested separation may occur with approval of the Committee on Ministry, written notice to the Session, vote of the calling body.
2. THE ALLOWANCES – In determining the specific terms of the severance agreement, consideration must be given to the reason for separation, the financial situation and overall health of the congregation or calling body, and the circumstances of the minister. Salary and benefit continuation may be negotiated but should not exceed six months. Allocations for counseling for the minister and/or his or her family may be negotiated. The minister should make arrangements to leave the position within two months of the date of approval of separation.

C. SEPARATION FOR CAUSE:

1. THE PROCESS – The Committee on Ministry shall be notified immediately upon hearing allegations of behavior inconsistent with Presbytery's standards. In the case of sexual abuse or misconduct, the process for arbitration and separation must abide by the Presbytery's policy on sexual misconduct. Refer to this policy as soon as reports or rumors of sexual misconduct surface. For all cases of alleged sexual misconduct or financial malfeasance, the minister shall be immediately placed on leave of absence with pay and without prejudice while the case is being investigated. If the pastor is exonerated, he or she shall be immediately restored to office, with public acknowledgement that no wrongdoing has occurred.
2. ALLOWANCES – If the minister is found to be guilty of the alleged misconduct, he or she may be given a maximum of one month's pay and the cash equivalent of his or her unused earned annual leave. No study leave, or sabbatical leave will be allowed as part of a severance agreement; however, counseling services for the pastor and/or his or her family may be negotiated. Emeritus status will not be granted to a pastor terminated for cause.

VII. PROCEDURE FOR TERMINATION AND SEPARATION AGREEMENTS

A. PROCESS

The Committee on Ministry will be contacted for guidance prior to the negotiation of any termination agreement. The minister and the calling body will negotiate an agreement for termination with the counsel of the Committee on Ministry, abiding by the policies of Salem Presbytery and the requirements of the *Book of Order*.

In certain cases of separation by cause, the Committee on Ministry may recommend leave of absence or termination by the presbytery. Then the matter is put in the hands of the Committee on Ministry or the judicial process of the presbytery. Otherwise, the following process for termination will be observed:

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1. The calling body and the minister approve a written severance agreement, with counsel from an appointed representative of the Committee on Ministry.
2. Copies of the written severance agreement are made available to members of the calling body no later than the date of the first call for the meeting at which the dissolution of the call and the written severance agreement is to be considered.
3. The calling body votes on dissolution of the call and the written severance agreement.
4. The Committee on Ministry approves the dissolution and the written severance agreement and communicates the dissolution of the relationship to the presbytery.

B. SEVERANCE/TERMINATION AGREEMENT PROVISIONS:

1. The type of separation (i.e: Separation by Staff Reduction, Requested Separation initiated by the Minister, Requested Separation initiated by the calling body, or Separation for Cause).
2. All financial agreements, including but not limited to:
 - Salary and benefits continuation, which normally shall not include reimbursement for unused study leave or earned annual leave.
 - Loan repayment or shared equity arrangement (where applicable).
 - Manse use (where applicable), normally not to exceed one month, with housing allowance provided for the duration of the severance/termination agreement.
 - Remuneration for counseling services for minister and/or family (where advisable).
3. Provision for use of office, equipment, etc., normally not to exceed one month from date of termination.
4. Terms and time limits on physical presence, normally not to exceed one month from date of termination.
5. Specification that if a minister finds full-time employment prior to the end of the term of the agreement, the calling body's financial obligations end as of the date full-time employment begins. Part-time employment will result in appropriate prorated adjustments in financial payments.
6. Payment procedure, normally that the financial arrangements will be conducted through the Presbytery office after the dissolution of the ministerial relationship. Severance payments will be made to the Presbytery at least seven days prior to the respective due dates for payment to the minister, and the Presbytery will make the respective

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payments to the minister after receipt of payments from the calling body. This is intended to prevent unnecessary contact between the minister and the calling body.

7. Acknowledgement that the Presbytery will not assume financial liability for severance agreements.
8. Acknowledgement that the calling body will be exempt from paying vacancy dues during the duration of the severance/termination agreement.