

The Roman Catholic Diocese of Burlington

H.R. Policies and Procedures

SUBJECT: Employment Practices Guidelines & Procedures	Policy Number HR 0001
	Section: Human Resources
	Sub-Section: Employment
	Date: January 1, 2014

INTRODUCTION

The Roman Catholic Diocese of Burlington is committed to creating a positive work environment and offering an equal employment opportunity to all qualified persons, without regard to race, color, national origin, sex, age, ancestry, religion, place of birth, physical or mental condition, veteran or handicap status or any other factor which may be considered discriminatory. The Roman Catholic Diocese of Burlington will follow the teachings of the Catholic Church in regards to employment and organizational decisions. Any employment advertisements for the Roman Catholic Diocese of Burlington will include the qualification that the candidate should be a practicing Catholic in accordance with Canon 874 §1, 3°, 4° of the *Code of Canon Law* which denotes the minimum requirements for a Catholic to be in good standing in reference to serving as a sponsor for a candidate of Baptism; however it is applicable for those serving either in parishes or diocesan ministries.

Decisions relating to all matters of employment including: upgrades/downgrades, transfers, promotions, layoffs, termination, rates of pay, training, recruitment and advertising, will be based on the employee's work record and qualifications within the Roman Catholic Diocese of Burlington.

The Roman Catholic Diocese of Burlington is committed to a selection process that results in each position being filled by the most qualified candidate. The Roman Catholic Diocese of Burlington will base its selection process on the essential functions and abilities required for the position. We recognize that our current employees create a standard for high caliber performance, and not only offer a proven record of performance, but also a familiarity with the Roman Catholic Diocese of Burlington goals and mission. For these reasons, internal candidates will be given priority consideration for vacant positions.

The Employment Practices Policy will encompass the following:

- A. Equal Employment Opportunity (EEO Statement)
- B. Employment at Will
- C. Employment Provisions of the Americans with Disability Act (ADA)
- D. Immigration Law Compliance
- E. Employment of Relatives (Conflict of Interest)
- F. Interview Process/Application Retention/Background Verifications
- G. Employee Personnel Files
- H. Internal Job Openings

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- I. Employee Appointment Announcement
- J. Involuntary Termination
- K. Voluntary Termination
- L. Exit Interviews
- M. Rehire/Reinstatement

A. Equal Employment Opportunity Statement

POLICY

The Roman Catholic Diocese of Burlington herewith states and affirms its continuing policy of an Equal Employment Opportunity to all persons without regard to race, color, religion, national origin, sex, age, ancestry, place of birth, physical or mental condition, veteran or handicap status or any other factor which may be considered discriminatory. The Roman Catholic Diocese of Burlington is committed to the principles of equal employment opportunity. *With the exception of a commitment to support, understand and not act contrary to the teachings of the Roman Catholic Church,* equal treatment and an equal employment opportunity takes place in all employment practices: recruitment, hiring, training, benefits and compensation, promotion, demotion, transfer, and termination.

Employees selected, will be expected to learn, respect, understand and follow the guidelines of the Catholic Church and the Roman Catholic Diocese of Burlington.

PROCEDURES

1. The Roman Catholic Diocese of Burlington will recruit, hire and promote employees without regard to race, color, national origin, sex, age, ancestry, religion, place of birth, physical or mental condition, veteran or handicap status, or any other factor which may be considered discriminatory.
2. The Roman Catholic Diocese of Burlington will expect a commitment to support, understand, and not act contrary to the teachings of the Roman Catholic Church. The Roman Catholic Diocese of Burlington will base employment decisions on furthering the principles of an equal employment opportunity by composing only valid requirements for a position. (Practicing Catholic in accordance with Canon 874 §1, 3°, 4° of the *Code of Canon Law*.)
3. The Roman Catholic Diocese of Burlington will ensure that promotion decisions are in accordance with principles of equal opportunity employment, by imposing only valid requirements for promotional opportunity.

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4. The Roman Catholic Diocese of Burlington will ensure that all other Human Resource actions including, but not limited to, compensation, benefits, transfers, layoffs, return from layoffs, training, tuition assistance, social and recreational programs will be administered without regard to race, religion, color, sex, age, disability, or national origin.
5. The Moderator of the Curia and the Director of Human Resources have been designated as the Equal Employment Opportunity Officers. As such, the Officers are charged with direct responsibility to monitor all equal opportunity activities throughout the Diocese and for assuring attainment of our stated objective for full compliance.
6. If an employee believes that they have been discriminated against on the basis of race, color, sex, age, disability, or national origin, and/or any of the aforementioned categories on page 1, the Diocesan Director of Human Resources and/or the Moderator of the Curia should be notified immediately.
7. Investigations of these matters will be handled fairly and objectively, with the appropriate level of confidentiality and discretion. In resolving these issues, the Roman Catholic Diocese of Burlington will make every effort to respect the rights of all employees involved. The Director of Human Resources and/or the Moderator of the Curia shall be informed, immediately and confidentially, of any formal complaints filed by an employee and the course of action proposed to investigate the matter.

B. Employment At Will

POLICY

It is the policy of the Roman Catholic Diocese not to enter any employment contracts or implied employment contracts.

The working relationship between the Roman Catholic Diocese of Burlington and the employees is and will be, one of voluntary employment “at will”. Neither the employee nor the Roman Catholic Diocese of Burlington has entered into a contract of employment, expressed or implied.

Employment without regard to position is voluntarily entered into for no stated term or period of time. The Roman Catholic Diocese of Burlington maintains the right to terminate an employee at any time, at its sole discretion, with or without cause being shown. This means that the Roman Catholic Diocese of Burlington or employee is free to end the employment relationship at any time.

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C. Employment Provisions of the Americans with Disabilities Act (ADA)

Title I of the Americans with Disabilities Act prohibits discrimination in any terms or conditions of employment against qualified individuals with a disability or a relative with a disability.

The Americans with Disabilities Act requires that employment decisions be based on the ability of a person to perform the essential functions of a job and not preconceived notions about a person's disability or limitations.

Further, it requires management to reasonably accommodate individuals with disabilities if a reasonable accommodation is available that will permit the individual to perform the essential functions of his/her job.

To comply with the employment provisions of the Americans with Disabilities Act, the Roman Catholic Diocese of Burlington will:

1. Identify the essential functions of a job;
2. Determine whether a person with a disability, with or without accommodations, is able to perform the essential functions of the job; and,
3. Unless it would pose an undue burden to the Roman Catholic Diocese of Burlington, provide a reasonable accommodation to a qualified individual, if one exists, that will permit the individual to perform the essential functions of his/her job.

D. Immigration Law Compliance

POLICY

The Roman Catholic Diocese of Burlington is committed to employing U.S. citizens and aliens who are authorized to work in the United States, and will not unlawfully discriminate on the basis of citizenship or national origin. As a condition of employment and in compliance with the federal Immigration and Reform Control Act (IRCA) of 1986, each new employee must complete an Employment Eligibility Verification Form (Form I-9) and present documents that establish identity and employment eligibility. A list of acceptable documents can be found on the I-9 Form.

If proper identity and employment eligibility documents are not provided, an employee will not be hired or allowed to continue employment. Employees authorized for employment on a temporary basis must submit updated documents prior to their eligibility expiration date in order to continue employment.

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E. Employment of Relatives (Conflict of Interest)

POLICY

It is the policy of the Roman Catholic Diocese of Burlington, not to hire, transfer, or promote relatives of employees into situations where the possibility of favoritism, discrimination or conflicts of interest might exist. Therefore, it is not recommended to hire relatives and those employees currently related and “grandfathered” cannot be promoted or transferred into the same department where a relative is already employed, or areas where relatives may have direct supervision or significant influence.

1. For the purposes of this policy, relatives are defined as an employee’s parent, child, grandparent, spouse, brother or sister, in-laws, nieces, nephews, and step-relationships.
2. When a situation that conflicts with this policy arises through promotion, transfer, or marriage, a change of assignment will be necessary for one of the two individuals affected. Working with the Director of Human Resources, individuals will have a period of three (3) months in which to resolve the situation.
3. Relatives of employees are eligible for short-term interim jobs, or positions that are intended to be of limited duration such as summer employment, Christmas breaks, spring breaks, etc. However, temporary employees remain ineligible for full-time regular positions available in a department in which a relative is employed.

F. Interview Process/Application Retention/Background Verification

POLICY

It is the responsibility of the Bishop, Moderator of the Curia and the Department Head in conjunction with Human Resources, to authorize the hiring of new employees. All full-time employees must have the authorization of the Bishop.

The Director of Human Resources and Department Head is responsible for recruiting, interviewing, screening, selecting and overall adherence to the Employment Practice Guidelines and Procedures of the Roman Catholic Diocese of Burlington. The Moderator of the Curia and Human Resources are available for guidance and review of candidates.

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In all cases it is required that candidates being interviewed and approved, be interviewed by the supervisor and by one (1) reporting level above the position to be filled. Reference checks will be conducted, noting at minimum of 2 former employment references. If, 2 former references cannot be completed, then 1 former employment reference and 2 personal references must be submitted as record of the file.

All Employees will be subject to background verification per the regulation set forth by the law. All employees will sign authorization forms prior to the background verifications being completed. All information obtained will remain confidential. If an applicant becomes disqualified due to the results of the background verification and/or the credit verification, the applicant will be provided the information and all information will be disclosed.

PROCEDURES

All candidates for employment with the Roman Catholic Diocese of Burlington must fully complete, date, and sign an employment application form (See Exhibit A). A resume will not be accepted in lieu of a completed employment application. The application form should be completed in detail and signed by the applicant to verify the accuracy and completeness of previous employment and personal information.

The Roman Catholic Diocese of Burlington may investigate any portion of the requested information and may deny or later terminate the employment of anyone giving false, misleading, or incomplete information.

The completed employment application form will be made part of the personnel file of those applicants accepted for employment.

All other employment applications received will be filed for a period of no less than 13 months.

Conditional job offer made to the candidate.

Background checks can only be submitted after a job offer has been extended, but before they begin employment.

It is the policy of the Roman Catholic Diocese of Burlington to request information regarding an applicant's previous employment from their employer(s) in order to obtain the prospective employee's work record as it pertains to their application for employment.

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The background verification forms are state and federal forms and will have the applicant authorization prior to any verification. All applicants are subject to background checks and will be told why the background verification is being conducted.

G. Employee Personnel Files

POLICY

The Roman Catholic Diocese of Burlington will follow all state and federal regulation in regards to personnel files.

PROCEDURE

An employee file will be maintained for all active employees in a secure locked file system. To ensure that the Roman Catholic Diocese of Burlington has accurate and current information about employees, in order to process payroll and benefits, and to have a means to contact employees as need; it is the employees responsibility to notify the Payroll Manager immediately if any changes occur in the employee's name, address, telephone number, tax exemption status, marital status, or other personal information.

The Roman Catholic Diocese of Burlington will retain the following in each file:

- Employment Application
- Resume
- W-4
- New Hire Checklist
- Wage and Status –New Hire Paperwork
- Any change of status regarding the employees (wage, address, etc)
- Signed copies of all policies
- Performance Appraisals
- Corrective Action Forms
- Letters of Warnings

(Personnel Files cannot have any medical information; therefore, any benefit information will be maintained separately.)

- I-9 Form –Per federal regulation this will be maintained separately.

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All terminated employee files should be maintained for a minimum of 7 years in secured location that is locked. (Any employee with direct contact with a school will have their employee file secured for 10 years per the Vermont law).

H. Internal Job Posting

POLICY

The Roman Catholic Diocese of Burlington is committed to promoting from within whenever possible.

PROCEDURE

1. All internal and external candidates will be scheduled for interview times as long as they are qualified candidates. Internal candidates selected for interviews must meet with their supervisor to inform them of their intention to interview.
2. For positions of Department Manager/Director once the Department Head has interviewed selected applicants, a decision will be made and final interviews will be conducted with the Director, Moderator of the Curia, and Human Resources Director. The candidate will then be scheduled to meet with the Bishop. All applicants will be informed of their candidate or non-candidate status by the Director of Human Resources. If an internal candidate is selected and accepts the position, the Director of Human Resources will inform their current supervisor and discuss the date for release to the new position. The start date should not exceed 15 working days from the date the position offered is accepted.
3. In the event of an inter-entity/department transfer, all of the above would apply. Employees interested in other opportunities with The Roman Catholic Diocese of Burlington or another affiliated religious group, must contact the Human Resources department for information regarding those open positions. An agreement with current supervisor of the legal entity must be reached prior to any discussion/action occurring. If the move is to be lateral, it will be due to a sound business or employee developmental reason and benefit both entities/departments and the employee.
4. The employee is responsible to meet with their supervisor and develop a transition plan prior to the established transfer date.
5. The Department Head will also complete and submit the "Wage and Status Form" form to complete the hiring process (See Exhibit B).
6. Open positions will be posted on the Diocesan website.
7. The organization has the right to move an employee into a new position without the position being posted.

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I. Employee Appointment Announcement

POLICY

Employee Announcements will be completed for all newly hired employees and those who are promoted, from the manager level and up.

PROCEDURE

The Human Resources Office will provide the following information in the Employee Appointment Announcement:

- Name
- Position Title
- Location
- Reporting Relationship
- Position Function
- Personal Background
- Effective Date

A copy will be placed in the employee personnel file.

J. Involuntary Termination

POLICY

Involuntary Termination is defined as the Roman Catholic Diocese of Burlington's decision to terminate its working relationship with an employee.

PROCEDURE

1. The Moderator of the Curia and Human Resources Director will make the final decision whenever possible for the involuntary termination.
2. Prior knowledge, consultation, and approval of the Human Resources Director is required prior to an employee termination. In the event of termination of employees in positions of Manager or Director Level, the Director of Human Resources must be consulted. Department Heads should confer with the Human Resources Director as soon as termination is contemplated. Human Resources is responsible for providing an objective

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review of the circumstances surrounding the proposed termination and for ensuring that the termination is handled in accordance with Diocesan policies and procedures.

Every employee has a right to be heard and the Moderator of the Curia and Human Resources Director has the responsibility to ensure that this right is respected.

3. Involuntary Termination

- a) Department Heads are responsible for conducting the termination meeting. Human Resources will meet with the terminated employee (may be via phone) and if requested, following the meeting to explain any continuing benefits or compensation and conduct an exit interview.
- b) Involuntarily terminated employees will be paid through the date of termination and will receive their final pay in accordance with applicable laws. In agreement with Vermont law, employees must be paid within 72 hours.
- c) The employee will also receive pay for any earned vacation, yet unused time off per the Paid Time Off policy, provided the employee has been with the Organization for a minimum of six months.
- d) Employees are not paid for unused holiday or discretionary time upon termination.
- e) If an employee is terminated for theft, there will be no paid time off.

K. Voluntary Termination

POLICY

When an employee voluntarily terminates his/her working relationship with the Roman Catholic Diocese of Burlington, that employee terminates under the Voluntary Termination policy and thus the following procedures apply. Voluntary separations are those initiated by the employee.

PROCEDURE

1. When any salaried employee voluntarily leaves the Roman Catholic Diocese of Burlington, the supervisor must immediately complete the Wage & Status form (Appendix A) and provide for the Payroll Manager.
2. All data on the Wage and Status form must be accurate, with appropriate reasons, and the date of termination as well as the last day worked completed.
3. Payment for time off will be paid per the policy.
4. Resigning employees will receive their final pay at the next regular pay period.
5. Benefits terminate per the policy of the plan, unless otherwise provided by law.

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6. A letter of resignation should be given in writing and witnessed accompanied with a completed wage and status form must be kept in the employment file.

L. Exit Interview

POLICY

It is the Roman Catholic Diocese of Burlington's policy to randomly conduct an exit interview with employees who separate from the Diocese.

- The purpose of the interview is to inform the organization as to the reasons for the resignation, to discover any employment practices that may have caused concern(s), and suggestions for improvement(s).
- From time to time employees will be scheduled for an exit interview prior to termination by the Department Supervisor. The results of the interviews will be provided to for review and action if warranted.
- Human Resources will periodically conduct interviews, unless circumstances are clearly inappropriate. If necessary, the interview may be conducted via telephone or via mail.

M. Rehire/Reinstatement

POLICY

The Roman Catholic Diocese of Burlington will consider employment of former employee's who are eligible for re-hire and meet the qualification of the open position.

PROCEDURE

1. Former employees may be considered for rehire, pending the review and approval of the Moderator of the Curia and Human Resources, along with other candidates, provided:
 - Performance was rated at a satisfactory level (either through formal evaluation, or observation, dependent upon tenure), and
 - The employee is qualified for the vacant position. However,
 - If an employee should leave without appropriate notice, rehire or reinstatement would be prohibited unless extenuating circumstances exist. In such instances, the Director of Human Resources would have to approve such a rehire/reinstatement.

Any re-hire who has over one year of lapsed service, will become eligible for vacation/discretionary per the Paid Time-Off Policy. (The date of hire recorded in the system will be the most recent date of hire.)

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**Any violations of the Employment Practices Policy will result in disciplinary action up to and including termination.*

**This policy replaces, revokes, and rescinds all former policies, therefore, any modifications or changes to the utilization and administration of those policies is superseded by this new plan.*