

## **CHARLESTON ATLANTIC PRESBYTERY POLICY AND GUIDANCE REGARDING FAMILY AND MEDICAL LEAVE**

The purposes of this document are threefold: (1) to establish a Family Medical Leave Policy for employees of Charleston Atlantic Presbytery; (2) to require that terms of call for all installed pastors include paid family leave; and (3) to provide guidance to its constituent congregations for drafting similar policies for their employees.

### **1. Background.**

As the Church, we should seek to provide adequate, even generous, leave for our employees for the birth, adoption, or guardianship of a child so that the employees can return to the work of the Church with appreciation for the time off, having had sufficient bonding time with their newest family member as well as the required time of healing after a birth. Employing organizations of the Church have the responsibility to pay their staff fairly and to provide for their welfare as they work among us; to stand by them in trouble and share their joy. W-4.0404i. The PCUSA has recognized those obligations and has mandated that terms of call for installed ministers include a minimum of twelve weeks of paid family medical leave. G-2.0804.

### **2. Family Medical Leave Policy for Employees of Charleston Atlantic Presbytery.**

**a. Family Leave Defined.** Charleston Atlantic Presbytery shall provide up to 12 weeks of paid Family Medical Leave annually to all eligible employees for the following qualifying conditions:

- i. An employee's medical conditions related to pregnancy and/or childbirth;
- ii. An employee's need to provide assistance to a spouse when the spouse's medical conditions related to pregnancy or childbirth require assistance; and
- iii. The birth or adoption of a child. Charleston Atlantic Presbytery will provide sufficient leave for the needs of foster care placements on a case by case basis in consultation with the personnel committee and General Presbyter.
- iv. An eligible employee's serious health condition;
- v. An eligible employee's need to provide assistance to a close family member with a serious health condition. Close family member is defined as spouse, child or parent.

**b. Eligible Employees.** All employees of Charleston Atlantic Presbytery, whether part time or fulltime, shall be eligible for Family Medical Leave from the date of hire.

#### **c. Limitations on Family Medical Leave.**

- i. If both parents are employed by the Presbytery, they jointly shall be eligible for a total of eighteen weeks of annual Family Medical Leave for the birth, adoption or placement of a child to be split between them at the discretion of the employees, but neither

parent shall be entitled to take more than twelve weeks. Each parent shall be entitled to a maximum of twelve weeks of Family Medical leave for reasons listed in Paragraph 2.a.iv. and 2.a.v.

ii. Family Medical Leave must be taken within six months of the birth, adoption or placement of a child joining the family.

**d. Substitution of Paid Leave, Paid Vacation, Paid Time Off.** Employees taking Family Medical Leave shall not be required to use any annual paid leave of any sort during the Family Medical Leave period.

**e. Procedure.**

i. Eligible employees should notify their supervisor of the need for leave as early as possible, but at least thirty (30) days ahead of the projected commencement of leave to arrange for proper coverage of work responsibilities. A delay in requesting leave due to unexpected circumstances shall not be the basis for denying leave, although a delayed notice might require some delay in the commencement of Family Medical Leave. All parties will cooperate to resolve any issues under these circumstances.

ii. Employees on Family Medical Leave should keep their supervisor informed of their projected return date.

iii. CAP will provide a copy of this policy to each employee at the time of implementation and subsequently to each newly hired employee.

**f. Temporary Disability Insurance.** The employee will be responsible for filing any claims for temporary disability insurance to which he/she might be entitled. The Presbytery will cooperate in providing any documentation requested.

**g. Health Insurance Premiums.** During any period of Family Medical Leave, the employee shall remain responsible for making any insurance premium payments he/she would ordinarily be required to make if not on leave. Insurance premium payroll deductions normally made shall remain in place during Family Medical Leave. Any failure of the employee to pay his/her required premium could result in loss of coverage in accordance with policy terms.

**3. Family Medical Leave Policy for All Installed Pastors.**

In accordance with the provisions of G-2.0804 of the Book of Order, the terms of call for all installed pastors serving within Charleston Atlantic Presbytery must include an entitlement to at least twelve weeks of paid family medical leave. The Commission on Ministry is responsible for ensuring that terms of call include this benefit.

**4. Guidance for Sessions in Creating Family Leave Policies for Congregations.**

Recognizing that individual churches within the presbytery face significantly different financial challenges and recognizing the need to support the families who serve our churches, Charleston Atlantic Presbytery provides the following guidance to its constituent sessions.

**a. Book of Order Mandate.** The provisions of G-2.0804 regarding family medical leave apply only to installed pastoral positions. Sessions should consider what benefits they can provide to all non-installed employees.

**b. Federal and State Requirements.** The federal Family Medical Leave Act applies only to employers with at least fifty employees. Churches with that many employees should consult with an attorney about their obligations. South Carolina law requires all employers to provide some type of maternity benefits, but it does not define what that standard must be. Six weeks of protected leave will normally meet that standard. Sessions should consider how they can comply with that law by providing some leave for their employees.

**c. Timing.** A session should consider adopting a family leave policy that fits its financial circumstances and provides for its employees before being faced with a request for family medical leave by an employee.

**d. One Size Seldomly Fits All.** Recognizing that the congregations in our presbytery vary widely in size and financial resources, the presbytery will not mandate the extent of benefits which individual congregations must provide. The presbytery encourages congregations to provide as generous care for their employees as is feasible under their particular circumstances.

**e. Minimum Standards for a Policy.** Once a session decides to provide some type of family medical leave, it should address the following issues in its policy:

- i. Amount of family medical leave – How much can an employee take?
- ii. Employee eligibility – Are employees eligible from date of hire, or must they have worked a minimum amount of time?
- iii. Eligible conditions – Define which conditions allow an employee to take leave. Is it limited to maternity/paternity leave or does it include other health conditions?
- iv. Define family members – If leave is available to care for a family member, define the relationships that are covered.
- v. Paid or Unpaid Leave – Is the leave paid or unpaid? Will the employee have to use paid time off?

Adopted by Charleston Atlantic Presbytery May 14, 2024