

# **EMPLOYMENT POLICIES**

## **SECTION 100**

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## **Welcome**

Welcome to the Dioceses of Gary. As disciples of Jesus Christ, we are called to respect and honor the sacredness of all people. It, therefore, is the constant goal of the Diocese of Gary to engage all diocesan, parish and school employees in a context of fairness and justice. Practically, this means that the Diocese of Gary and all its entities will deal consistently with employees.

The Diocese of Gary seeks to create an inclusive work place. It is expected that all diocesan, parish and school staff members endorse and are committed to this policy. This handbook of policies, procedures and guidelines give us tools to fulfill our missions.

This handbook is available for review at each parish, school and diocesan office. Every employee, lay minister, teacher and volunteer is encouraged to read this handbook. (Appendix A) The policies and forms set forth are subject to change at any time. If any law contradicts any of the terms or conditions this handbook contains, then the applicable law shall supersede those conditions which are contradicted.

This handbook is not an employment contract nor a legal document. This handbook had been prepared to provide information to employees regarding current personnel policies, procedures and benefits. It is not intended to be all-inclusive. Personnel and policy practices are under constant review, so benefits, policies and forms can be added, changed or deleted at any time with or without notice.

We serve a diverse local Church; therefore, we remain open to diverse approaches in fulfilling our mission. Practically, this means that the Diocesan Mission is achieved in a unified fashion by taking advantage of the significant differences present in Northwest Indiana, including race, gender, nationality, native language, religion (and more).

We are proud of the diversity of the “region” and our policies reflect the belief that the inclusion of many different types of people appreciably assists in the building up of the Father’s Kingdom of Love, Peace and Justice.

## **101 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Diocese of Gary and all its entities is an Equal Opportunity Employer with the guidelines established for religious organizations in Federal and State law. We are committed to providing equal employment opportunity in all employment policies and practices. Consequently, it is the constant goal of the Diocese of Gary to administer its policies without regard to race, color, religion, national origin, age, gender, marital status, veteran status, service membership, sexual orientation, amnesty or physical disabilities (not affecting one’s ability to perform the essential functions of one’s job with or without accommodation). This policy applies to all terms and conditions of employment, including, but not limited to,

hiring, placement, promotion, termination, layoff, recall, transfer, benefits, leaves of absence, compensation and training.

There are certain positions in the Diocese of Gary for which it is necessary for the employee to be Catholic, and some positions for which preference in hiring shall be given to people who are practicing Catholics and who have a full understanding of the Catholic faith. Such preference is allowed under state and federal law as a bona fide job qualification, and does not constitute an act of discrimination.

It is the goal of the Diocese of Gary to offer employment opportunities to the most qualified candidate. It is also the goal of the Diocese of Gary to offer employment opportunities to women at all levels, except those positions precluded by canon law.

## **102 HARASSMENT POLICY**

In an inclusive Christian work environment, there cannot be accommodations for behavior that preys on our differences. When individuals feel intimidated and threatened because of such factors as sex, race, color, national origin, age, religion, service membership, disability or sexual orientation, the entire work environment is diminished and individuals may feel harassed. It is for this reason that the Diocese of Gary has established its harassment policy.

“Harassment” is defined as any act, pattern of actions, attitudes or behavior whose purpose or effect creates a hostile, offensive or intimidating work environment. Harassment can also result from an unintentional but negligent act, pattern of actions, attitudes or behavior whose effect creates a hostile, offensive or intimidating work environment and which continues after it is brought to the individual’s attention.

Practically, harassment can occur whenever one employee or group of employees engages in:

- Verbal abuse
- Physical abuse
- Racial insult or inappropriate humor
- Derogatory ethnic slurs
- Unwelcome sexual advances or touching
- Inappropriate Internet usage or any other means of electronic communication related to any of the above.

The Diocese of Gary and all its entities cannot and will not tolerate harassment of any kind that is inconsistent with our understanding of the Gospel message. All employees are responsible to report any appearance of harassment to their pastor, immediate supervisor or the Diocesan Manager of Human Resources immediately after the occurrence. Failure to report harassment in a timely manner may make it difficult for the Diocese to adequately investigate and justly resolve the matter. Upon notification of potential harassment, all reports will be investigated immediately. False or malicious reports will result in progressive

discipline up to and including termination. At no time will an employee be retaliated against for bringing forth harassment concerns in the workplace.

### **103 SEXUAL HARASSMENT POLICY**

The Diocese of Gary is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment. Actions, words, jokes or comments based on an individual's sex, race, color, national origin, age, religion, service membership, disability, sexual orientation or any other legally protected characteristic will *not* be tolerated.

Sexual harassment is defined as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Sexual comments
- Sexual jokes
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures or displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations
- Physical conduct that includes touching, assaulting or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term of condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decision; or (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If an employee experiences or witnesses sexual or other unlawful harassment in the workplace, he or she is to report it as soon as possible to the employee's immediate supervisor or the Diocesan Manager of Human Resources. An employee may raise concerns and make reports without fear of reprisal or retaliation. All reports and allegations of harassment must be reported to the Diocesan Manager of Human Resources for immediate investigation.

All allegations of harassment will be quickly and discreetly investigated. To the extent possible, confidentiality of the complainant, any witnesses and the alleged harasser will be protected against unnecessary disclosure. You will be informed when the investigation is completed.

Any Parish Coordinator who becomes aware of possible sexual or other unlawful harassment must immediately advise the Diocesan Manager of Human Resources or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

The Sexual harassment policy will be disseminated to all employees on an annual basis or upon any changes in the policy. Training on policy will be offered to all employees on a periodic basis and evidence will be placed in employees' personal file.

No management or other employees may retaliate or discriminate against any employee for filing a complaint. Anyone acting in such a manner will be subject to disciplinary action up to and including termination of employment.

#### **104 CHILD ABUSE AND SEXUAL MISCONDUCT POLICY**

The Diocese of Gary and all its entities are committed to the careful enforcement of our sexual misconduct policies (see *Appendix C*). It is a sad reality of our society that children are victimized in this manner. The Diocese upholds the standard set by the State of Indiana in reporting the "suspicion" of any appearance of abuse of a minor to the proper authorities.

In addition to our stringent policy on child abuse, the Diocese of Gary also maintains a zero tolerance of any type of sexual misconduct among the priests, deacons, religious and laity serving or employed by the Diocese of Gary.

#### **105 DRUG AND ALCOHOL USE POLICY**

The Diocese of Gary desires to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the premises of all diocesan facilities and while conducting business-related activities off diocesan premises, no employee may use, possess, distribute, sell or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in an approved treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their immediate supervisor or the Diocesan Manager of Human Resources to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the diocesan health insurance benefit coverage if eligible. Leave may be granted if the employee agrees to participate in approved treatment program; abides by all diocesan policies, rules and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the Diocese of Gary or any of its entities any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Diocese of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their immediate supervisor or the Diocesan Manager of Human Resources without fear of reprisal.

## **106 ETHICS AND CONDUCT**

The successful operation and reputation of the Diocese of Gary and all its entities is built upon the Christian principles of fair dealing and ethical conduct of our employees. Our reputation for integrity requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the diocesan mission is dependent upon the trust of those we serve and the professionalism of those we work with. As employees and volunteers, we are called to be stewards and maintain high ethical standards. To preserve that principle, employees owe a duty to the Diocese to act in a way that will merit the continued trust and confidence in all those we encounter.

The Diocese of Gary will comply with all applicable laws and regulations. In general, the use of good judgment, based on high ethical principles, will guide all employees and volunteers to conduct all diocesan business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

An employee understands that as an employee of a Catholic Institution, an employee is expected to abide by Catholic Church teachings, both within and outside their employment duties, and regardless of his./her religious affiliation. As such, the employee agrees to refrain from conduct of lifestyle which would be in contradiction to Catholic doctrine or morals. Employees understand and agree that the Employer has the right to dismiss an employee for violation of these

standards, thereby terminating any and all rights the employee may have to continued employment.

Acceptable conduct includes assuming a friendly, cordial and cooperative Christian attitude with our colleagues. This means discord and rancor within our own ranks cannot be tolerated. In seeking a healthy, trusting environment, consistent with the message of Jesus, it is expected that all differences of opinion, conflicts and/or misunderstandings be dealt with promptly by addressing the issue(s) to whoever is the source of the issue. To assume a posture of resentment, resistance and/or a critical negativity, notwithstanding the satisfactory fulfillment of one's other duties, is a violation of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. (See *Section 709*)

If matters between colleagues cannot be resolved by open dialogue, then either side to the dispute may approach their immediate supervisor or the Diocesan Manager of Human Resources to discuss a mutually acceptable approach of mediating the problem.

Compliance with this policy of ethics and conduct is the responsibility of every diocesan employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

## **107 CONFLICT OF INTEREST POLICY**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction if an employee is uncertain whether a potential conflict of interest exists. If an employee is uncertain if a conflict of interest exists, the employee can seek further clarification on issues from the Diocesan Director of Human Resources.

*A conflict of interest is defined as a situation in which financial or personal considerations may compromise or have the appearance of compromising the judgment and objectivity of an employee or volunteer.*

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of diocesan business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Diocesan Manager of Human Resources, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm or business with which the Diocese does business, but also when an employee or relative receives any kickback, substantial gift, or special consideration as a result of any transaction or business dealings involving the Diocese.

As employees and volunteers, we are called to be good stewards and maintain high ethical standards. This policy is intended to set forth standards for behavior to avoid potential conflicts of interest that could compromise the objectivity that is essential for effective decision-making and damage the reputation of the individuals involved and the Diocese. Each employee and volunteer will be required to sign a conflict of interest disclosure at the time of hire and is encouraged to update as needed. (**Appendix X**)

This policy applies to all lay employees and volunteers of the Diocese of Gary, its entities and agencies, including Catholic Charities. It also applies to members of the Diocesan Finance Council, Advisory Boards of all diocesan agencies, and their various subcommittees and advisors.

There are five basic types of conflicts of interest, each of which will be explained in the sections that follow:

1. Business interests or investments
2. Gifts, payments or favors
3. Employment of relatives
4. Confidential information
5. Compensation arrangements.

Employees and volunteers must disclose:

- Any business, investment or ownership interest in any entity with which the Diocese has (or is negotiating) any transactions or arrangements.
- Any compensation received (or offer of compensation) from any entity with which the Diocese has (or is negotiating) any transaction or arrangements.

Employees and volunteers must also disclose if their family members have any business interests or compensation as described above.

Disclosure must:

- Occur as soon as possible.
- Include all relevant information.
- Be made in writing on the attached form.
- Be submitted to the Human Resources Office.

The Diocesan Manager of Human Resources, in consultation with appropriate parties, will determine if the disclosed situation is permissible or not with respect to diocesan policies and recommend a plan to either manage, reduce, or eliminate the conflict.

*Employees and volunteers must disclose Gifts, Payments and Favors:*



No employee or volunteer may offer, exchange, or accept gifts, payments, or favors, either directly or indirectly, from any individual or organization which is conducting or soliciting business with the diocese. "Gifts, payments and favors" include, but are not limited to, gifts of objects or money, vacations, and loans. The term "indirect" includes the offering or acceptance of gifts, payments and favors by a relative, a person acting on behalf of the employee, or a business entity in which the employee or volunteer has an interest.

This policy does not preclude the offering or accepting of Christmas remembrances, thank you gifts, business meals, or occasional gifts of nominal value, the sum total of which may not exceed \$50.00 from any organization in a calendar year. Any exceptions to this policy require the prior knowledge and consent of the employee's immediate supervisor or the Diocesan Manager of Human Resources.

***Employees and volunteers must disclose employment of relatives:***

In order to retain the objectivity that is essential to effective decision-making, relatives are not to hire or supervise one another or check, review, and/or process work of one another. Supervisors may further restrict the employment of relatives where close proximity might disrupt optimal performance of functions.

A relative, for this purpose, is defined as: husband, wife, father, mother, stepfather, stepmother, child, stepchild, grandparent, grandchild, in-law, brother, sister, niece, nephew, aunt, or uncle.

The purpose is to prevent situations in which an employee's family situation may create a conflict of interest with his or her job duties. Any exceptions to this policy require the prior approval of immediate supervisor or the Diocesan Manager of Human Resources.

***Employees and volunteers must disclose confidential information:***

Employees and volunteers often become aware of confidential information concerning diocesan matters, other employees or volunteers, and persons who are served by the various programs of the Diocese. Such information should be kept private and should not be used for personal gain or in a manner that would harm the Diocese or any employee, volunteer, or person served by the Diocese.

***Employees and volunteers must disclose compensation arrangements:***

As followers of Jesus Christ, we need to model good stewardship in the use of our resources, including our compensation practices. Also, as a tax-exempt organization, donations we receive must be used in the best interests of the people we serve, not for the personal benefit of our employees, vendors, or contractors. Therefore, all compensation arrangements (salaries, benefits, "perks," contracts for goods and services, etc.) must be reasonable, within approved budgets, and comparable to the "going rate" in the marketplace among similar organizations for the services provided.

Disregarding or failing to comply with this policy could lead to disciplinary action, up to and including possible termination of employment or removal from council or volunteer positions.

## **108 PERSONAL RELATIONSHIP POLICY**

The employment of relatives or individuals involved in a dating relationship in the diocesan office may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into the day-to-day relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual “romantic” relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Generally, relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. The Diocese of Gary also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same diocesan office that may affect the review of employment decisions.

It is the responsibility of those involved in such a relationship to disclose the existence of the relationship to the immediate supervisor or the Diocesan Manager of Human Resources. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, the Diocese will decide who is to be transferred or, if necessary, terminated from employment.

Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

## **109 WHISTLEBLOWER POLICY**

The purpose of this policy is to protect those individuals who want to raise issues of illegal, dishonest, or unethical behavior with the assurance of not becoming a target of subsequent recrimination. This formal policy has been implemented in the spirit of the initiatives of the Sarbanes-Oxley Act that was signed into law in July 2002. This law prohibits publicly traded companies from taking any adverse employment action against an employee because of his/her protected whistleblowing activities, but some of the concepts are appropriate for non-profit organizations as well.

A whistleblower is defined by this policy as an employee of a parish, school, or other diocesan-associated entity who reports an activity that he/she reasonably believes to be illegal or dishonest or reports unethical behavior to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

"Dishonest" or "unethical" is defined as violating some objective and publicly identifiable standard of conduct, not merely the reporter's subjective opinion. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; or other fraudulent financial reporting. Examples of dishonest and unethical behavior include violations of employer policies in the respective Employee Personnel Manual, Code of Personal and Ethical Conduct, or similar published policies.

If an employee has knowledge of or a concern of illegal, dishonest, or fraudulent activity or of unethical behavior, the employee is to contact: his/her immediate supervisor or the Diocesan Manager of Human Resources. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Whistleblower protections are provided in two important areas – confidentiality and against retaliation. To the extent practical under the circumstances, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and employer policy and to provide accused individuals their legal rights of defense. The employer and associated entities will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments and threats of physical harm for making a report. Any whistleblower who believes he/she is being retaliated against must contact their immediate supervisor or the Diocesan Manager of Human Resources immediately either through written or verbal communication, i.e., signed written letter, in-person visit, etc. The right of a whistleblower for protection against retaliation does not include immunity from personal complicity in wrongdoing or any other misconduct.

#### **110 MEDIA COMMUNICATION**

The Diocese of Gary receives inquiries from the media regarding Diocesan matters from time to time. At the Bishop's request, all contacts between Diocesan Offices and the media are coordinated through the Communications Office. This office also coordinates calls to the media from Diocesan Offices. No employee shall take on either of these actions without prior consultation with the Communications Office and following its directions. If an employee is contacted by a reporter, the employee must refer the reporter to the Communications Office rather than answering questions. Any comment to the media should be considered "on the record," never speak "off the record" to media. Refer all media inquiries to the Communications Office in a timely manner. Provide the name of the reporter, who he/she represents, and contact information. The Communications Office personnel will contact the reporter for more details about the inquiry and subsequently coordinate media contact with the proper Diocesan source. Failure to adhere to this policy may result in disciplinary action.