

**PRESBYTERY OF KISKIMINETAS POLICY DEALING WITH:  
ILLNESS, TEMPORARY AND PERMANENT DISABILITY,  
AND DEATH IN SERVICE OF MINISTER MEMBERS OF THE  
PRESBYTERY SERVING CONGREGATIONS, AND OTHER  
"LEAVE OF ABSENCE" SITUATIONS**

**I. INTRODUCTION**

Every session and pastor faces the potential of having to deal with questions concerning appropriate lengths of absence and the continuance of compensation in the event of illness, short term or long term disability. Also, many sessions and pastoral families face the potential of having to deal with questions relative to continued occupation of the manse by the spouse and dependents if the pastor should die "in service."

Some sessions and pastors would rather not discuss these issues and questions in advance. They would rather "trust that we will handle this in a Christian manner if the need arises." However, many, who have had to deal with these questions and issues have found that determining, in the midst of crisis, the most "Christian manner" to be difficult because of the differing needs and perspectives at the time .

The Presbytery of Kiskiminetas, in an effort to provide a reasoned, fair and structured basis for addressing the issues and concerns associated with pastoral illness/injury, short and long term disability, and matters of family leave, provides this policy statement as **MINIMUM STANDARDS**. No policy can project and address all the individual variances and needs. It is the intent of the Presbytery, in the adoption of this policy, to establish **MINIMUM STANDARDS**.

**II. IMPLEMENTATION**

Upon adoption of the "Policy Statement", by the Presbytery, it will become effective and binding as "**MINIMUM STANDARDS**" on January 1, 1996 for all pastoral positions in effect as of that date and for all future pastoral positions, until the "Policy Statement" is either amended or rescinded.

In all cases this "Policy Statement" is intended to be in harmony with Article XI (disability) of the Benefits Plan of the Presbyterian Church (U.S.A.) in effect at the time of the adoption of this "Policy Statement" by the Presbytery.

**III. DEFINITIONS**

A. Illness/injury-- any condition, physical or emotional, which requires, or makes it prudent, that the pastor avoid the fulfillment of normal responsibilities

B. Short term disability--any condition, physical or emotional, which requires, or makes it prudent, for the pastor to avoid the fulfillment of normal responsibilities for a period of thirty to ninety days.

36 C. Long term disability-- A period of longer than ninety days of sickness or bodily  
37 injury which requires the avoidance of or inability to fulfill normal responsibilities. The  
38 following definition of disability in the Benefits Plan shall apply: The inability of a  
39 Member due to sickness or bodily injury to perform substantially all the material duties  
40 of his or her regular work or any other type of work that would afford a reasonably  
41 comparable level of income, and after a period of twenty-four (24) months of such  
42 disability, the inability of a Member due to sickness or bodily injury to perform any type  
43 of work for which he or she is fitted by education, training or experience, all of which  
44 conditions must be certified by the Board's medical counsel. (Benefits Plan, Article II,  
45 Sec. 2.1(h))

46 D. Intermittent disability-- The pastor, due to an illness or injury, alternates between  
47 periods of being able to perform all or most regular responsibilities and periods of  
48 disability.

49 E. Death in Service-- the death of a Minister of Word and Sacrament serving as a  
50 Designated Pastor, Associate Pastor, Co-Pastor, Pastor, Interim Pastor, or Stated  
51 Supply Pastor while Called, Contracted or Appointed to serve a particular congregation  
52 or congregations.

53 F. Professional Reimbursements-- Include all categories of reimbursable expenses  
54 incurred in the course of performing professional (church related) activities. These  
55 include, but are not limited to: travel, materials and equipment, organizational dues, and  
56 entertaining expenses.

#### 57 **IV. PASTORAL ILLNESS/INJURY**

58 A. The Session shall continue full compensation including salary, pension/major  
59 medical dues, housing allowances and/or free use of manse, medical deductible  
60 reimbursements, and other compensation related allowances/reimbursements during  
61 periods of leave for illness/injury (1 to 30 days)

62 B. A period of leave for an illness/injury or personal leave of up to five days may be  
63 taken at the pastor's discretion. The pastor shall report a period of such leave to the  
64 Clerk of Session. Questions and/or concerns about the use/abuse of this leave  
65 provision shall be referred to the Committee on Ministry.

66 C. Periods of leave for an illness/injury of longer than five days shall be  
67 substantiated by a statement from the pastor's attending physician advising the  
68 avoidance of normal responsibilities, provided by the pastor to the Clerk of Session.

69 D. When a period of leave for an illness/injury extends beyond seven days, travel  
70 and other professional reimbursements shall be suspended

71 E. A minister may not take study leave during leave for illness/injury, unless the  
72 Session concurs.

73 F. When a period of leave for an illness/injury extends for more than seven days  
74 the pastor is to inform the Executive Presbyter and/or the Chairperson of the Committee  
75 on Ministry as soon as practical.

76 1. The Committee on Ministry will consult with the Session to insure that the  
77 Session is aware of the illness/injury leave policy; to determine the Session's plans for  
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79 covering pastoral needs; and to consult with the Session regarding other needs or  
80 concerns which the Session might have.

81 2. The Committee on Ministry will consult with the pastor to determine needs  
82 or concerns of the pastor and/or the pastor's family and to determine projected plans for  
83 resumption of normal responsibilities.

84 G. When a period of leave for illness/injury extends beyond fourteen days the  
85 pastor shall provide both the Clerk of Session and the Executive Presbytery or the Chair  
86 person of the Committee on Ministry with certification from the pastor's attending  
87 physician of clearance to resume normal responsibilities, prior to the resumption of  
88 those responsibilities.

89 H. Income received by the pastor from sources provided by the congregation, the  
90 presbytery, and/or the Benefits Plan, such as Workers' Compensation or disability  
91 insurance, shall be signed over to the church(es) being served during the time the  
92 church is continuing full compensation. In no case shall the total income from sources  
93 provided by the church, the presbytery, or the Benefits Plan during the period of  
94 illness/injury exceed 100% of the compensation stipulated in the pastor's call,  
95 appointment, or contract for services.

## 96 **V. PASTORAL SHORT TERM DISABILITY**

97 A. The Session shall continue full compensation including salary, pension/major  
98 medical dues, housing allowances and/or free use of manse, utilities or utility allowance,  
99 medical deductible reimbursements, and other compensation related  
100 allowances/reimbursements during periods of leave for short term disability (31 to 60  
101 days).

102 B. Disability income received by the pastor from sources provided by the  
103 congregation, the presbytery, and/or the Benefits Plan, such as Workers' Compensation  
104 or disability insurance, shall be signed over to the church(es) being served during the  
105 time the church is continuing full compensation. In no case shall the total income from  
106 sources provided by the church, the presbytery, and/or the Benefits Plan during the  
107 period of short term disability exceed 100% of the compensation stipulated in the  
108 pastor's call, appointment or contract for services.

109 C. The pastor shall provide his/her attending physician with a release of information  
110 form which will designate the Executive Presbyter and/or the Chairperson of the  
111 Committee on Ministry as persons who may be given information concerning the  
112 pastor's condition and the prognosis for resuming normal responsibilities.

113 D. If the short term disability extends beyond sixty (60) days the Session shall  
114 continue full compensation for the period of the 61st day through the 90th day. Leave  
115 during this time will be accounted to the pastor's vacation. If the pastor's full vacation  
116 time has already been used during that calendar year, or the short term disability period  
117 exceeds the amount of vacation time remaining in that calendar year, the Session may  
118 continue full compensation through the 90th day or may, in consultation with the  
119 Committee on Ministry, designate the leave in excess of vacation time available in that  
120 calendar year as unpaid leave, but will continue to provide either the free use of the  
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122 manse (utilities included), and/or any housing allowances and pension/major medical  
123 dues.

124 E. Study leave may not be taken during any period of short-term disability leave,  
125 except with the permission of the Session.

126 F. During a period of leave for a short term disability travel and other professional  
127 reimbursements shall be suspended during the period of leave.

128 G. The Committee on Ministry shall:

129 1. Regularly consult with the Session during the period of short term  
130 disability leave regarding the needs and concerns of the Session; worship and pastoral  
131 care issues; and to keep the Session informed of needs and concerns of the pastor  
132 and/or the pastor's family.

133 2. Regularly consult with the pastor or his/her representative regarding the  
134 needs or concerns of the pastor and/or the pastor's family; the pastor's condition; and  
135 the probability of the pastor resuming normal responsibilities.

136 H. At least two weeks prior to the 90th day of short term disability the pastor or  
137 her/his representative, the Session and the Committee on Ministry shall consult  
138 regarding the advisability of the pastor continuing in the pastoral relationship.

139 1. If the consultation results in the concurrence that the pastoral relationship  
140 shall continue beyond the 90th day of disability

141 a. the Session shall provide for the continued free use of the manse  
142 (including full utilities) and/or housing allowances at a value of up to 40% of effective  
143 salary as provided by the Benefits Plan;

144 b. The pastor shall apply for all appropriate disability coverages  
145 available to him/her such as through the Benefits Plan and Social Security Disability.

146 c. The Committee on Ministry shall establish a schedule of regular  
147 consultations with the Session and the pastor and/or her/his representative to re-  
148 evaluate the continuance of the pastoral relationship.

149 2. If the consultation results in the concurrence that the pastoral relationship  
150 should be dissolved:

151 a. The pastor or his/her representative shall request the Session to  
152 call a Congregational Meeting to vote on concurring with the pastor in requesting the  
153 Presbytery to dissolve the pastoral relationship.

154 b. The pastor and family shall be permitted up to 30 additional days  
155 free use of the manse (including full utilities) and/or housing allowances from the date of  
156 the Congregation's action to concur with the request to dissolve the pastoral  
157 relationship.

158 c. The pastor and family shall be allowed to continue to reside in the  
159 manse, paying rent and utilities, for a period of up to 90 days from the time the request  
160 to dissolve the pastoral relationship is approved by the Presbytery, or 120 days from the  
161 date of the Congregation's action to concur with the request to dissolve the pastoral  
162 relationship, whichever is longer.

## 163 VI. PASTORAL INTERMITTENT DISABILITY

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165 In cases of intermittent disability the Committee on Ministry, upon the request of  
166 either the pastor or the Session, shall consult jointly with the pastor and Session with  
167 the purpose of reaching a mutually acceptable resolution.

#### 168 **VII. PASTORAL LONG TERM DISABILITY**

169 A. If the illness/injury results in disability of longer than ninety days, and if the  
170 concurrence of the consultation between the pastor, the session and the Committee on  
171 Ministry at the time prior to the 90th day has been to continue the pastoral relationship,  
172 all provisions stated above in Section V, H, 1a-c shall apply.

173 B. If the disability continues beyond 180 days the Committee on Ministry shall, in  
174 consultation with the Session, normally recommend to the Presbytery that the pastoral  
175 relationship be dissolved.

#### 176 **VIII. PASTORAL DEATH IN SERVICE**

177 A. In the event of the death of the pastor while serving a congregation(s) under a  
178 call, appointment, or contract for services the following provisions shall apply:

179 1. The pastor's spouse and dependents, if residing with the pastor in the  
180 manse prior to the pastor's death shall have free use of the manse, utilities included,  
181 and/or the continuance of any housing and utilities allowances for a period of 60 days  
182 from the death of the pastor.

183 2. From the 61st day through no more than the 180th day following the  
184 death of the pastor, the spouse and dependents may, with the permission of the  
185 Session, continue to occupy the manse and shall pay rent and utilities.

186 3. The manse shall be vacated:

187 a. no later than the 181st day following the pastor's death; or

188 b. upon a 30 day advance notification to the spouse, or other  
189 responsible dependents, from the Session between the 61st and 180th day following  
190 the pastor's death, if the manse is needed to house a succeeding installed pastor or  
191 interim pastor.

#### 192 **IX. PASTORAL FAMILY LEAVE**

193 A. Although the Family and Medical Leave Act of 1992 does not ordinarily apply to  
194 pastors and congregations, it shall serve as a model for Family Leave for the  
195 Presbytery, the Congregations and Ministers. While used as models, the Family and  
196 Medical Leave Act of 1992 and the American Disabilities Act are not binding upon the  
197 Presbytery, Sessions, and Ministers, except as specifically stated in the Acts.

198 B. General, but not exhaustive, examples of Family Leave are:

199 1. Minister's illness

200 2. Pregnancy

201 3. Child rearing

202 4. Placement of a child with the Minister for adoption or foster care

203 5. To care for a child, parent, step-parent, parent-in-law or sibling with a  
204 serious health condition

205 6. Bereavement

- 208 C. Family leave may be granted by the Session, in consultation with the Committee  
209 on Ministry, for a maximum of twelve (12) weeks of unpaid leave. The Session shall  
210 continue payment of Pension/Major Medical dues during the time granted for family  
211 leave.
- 212 D. Family leave may not be used for lengthening vacations or study leave.
- 213 E. Study leave may not be taken during time approved by the Session as "Family  
214 Leave."
- 215 F. Pregnancy leave-- A female minister shall be granted pregnancy leave during  
216 the appropriate time of pregnancy and following delivery.
- 217 1. A female minister wishing pregnancy leave shall submit a written request  
218 to the Clerk of Session and a copy to the Executive Presbyter and/or the Chairperson  
219 of the Committee on Ministry, ordinarily 30 days prior to the projected commencement  
220 of the leave.
- 221 2. Prior to the leave, the minister shall state her intention, in writing to the  
222 Clerk of Session with a copy to the Executive Presbyter and/or to the Chairperson of the  
223 Committee on Ministry, regarding her return to work after release by her attending  
224 physician following the delivery. If she intends to resume normal responsibilities, but is  
225 unable to do so by the end of the agreed upon leave the Minister, the Session and the  
226 Committee on Ministry shall be in consultation relative to the application of the short  
227 term disability policy.
- 228 3. Pregnancy leave shall normally allow for a minimum of eight weeks leave.
- 229 4. Any earned vacation time and compensation, for that calendar year, may  
230 be added to the eight weeks of pregnancy leave, with the concurrence of the Session.
- 231 5. A written certification, by the minister's attending physician of the  
232 minister's readiness to resume normal responsibilities shall be required and submitted  
233 to the Clerk of Session with a copy sent to the Executive Presbyter and/or the  
234 Chairperson of the Committee on Ministry, prior to the resumption of pastoral duties.
- 235 6. Following the use of the "normal" pregnancy leave and the use of earned  
236 vacation time, additional pregnancy leave shall be treated as short term disability with  
237 all aspects stated elsewhere under short term disability applying, if the need for  
238 extended time is medically certified by the attending physician.
- 239 G. Child rearing leave {unpaid}
- 240 1. Child rearing leave (time for the caring for a new born, a newly adopted,  
241 or recently placed foster child) shall be equally offered to male and female ministers.
- 242 2. Child rearing leave may be granted by the Session for a maximum of two  
243 weeks.
- 244 H. Bereavement leave of fourteen days may be granted by the Session in the case  
245 of the death in the immediate family (spouse, child, step-child, parent, parent-in-law,  
246 sibling) of the pastor. Additional unpaid bereavement leave may be requested by the  
247 pastor and granted by Session. If bereavement leave is granted beyond a total of  
248 fourteen (14), the Clerk of Session shall notify the Committee on Ministry.

249 **X. PRESBYTERY ASSISTANCE**

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- 251 A. Scheduling of preaching supplies during leave for illness/injury, short and long  
252 term disability, and pregnancy leave; dependent upon the availability of preaching  
253 supplies.
- 254 B. Appointment of Moderators
- 255 C. Financial
- 256 1. Following the first thirty days (one month/four Sundays) of pastoral  
257 disability or pregnancy leave the Presbytery will pay the cost of weekly preaching  
258 supplies for a period of up to two months (eight Sundays).
- 259 2. Following the first thirty days (one month) of pastoral disability or  
260 pregnancy leave the Presbytery will pay the Moderator's fee for a period of up to two  
261 months. The Moderator's mileage and expenses will be the responsibility of the  
262 Session.
- 263 3. The Presbytery shall self-insure these costs through an annual  
264 assessment of fifty dollars (\$50) to each church served by a pastor, co-pastors,  
265 associate pastor, designated pastor, stated supply pastor or interim pastor.
- 266 4. Churches not paying this self-insurance assessment shall not be eligible  
267 to receive the above Presbytery assistance during pastoral illness/injury, disability or  
268 pregnancy leave.
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## 271 **XI. EXCEPTIONS AND EXTENSIONS**

- 272 A. The illness/injury, short term disability, long term disability and family leave  
273 policy statements found above are the **MINIMUM STANDARDS** applicable to ministers  
274 and congregations in the Presbytery of Kiskiminetas.
- 275 B. The Session, in consultation with the Committee on Ministry, may extend the  
276 time frame for either/both leave and compensation, by a three-fourths vote of the  
277 Session, except where such extensions would change the terms of call. If such an  
278 extension would reflect a change in the terms of call, the Session may recommend such  
279 changes to the Congregation for action and such changes shall take effect upon  
280 approval by the Presbytery.
- 281 C. The Session and pastor, in consultation with the Committee on Ministry, may  
282 develop and propose "limited duty" and/or "accommodations" if an illness/injury or  
283 disability would allow the minister to continue service. Any such proposals which would  
284 be deemed as a change in the terms of call must be approved by the congregation and  
285 the Presbytery.