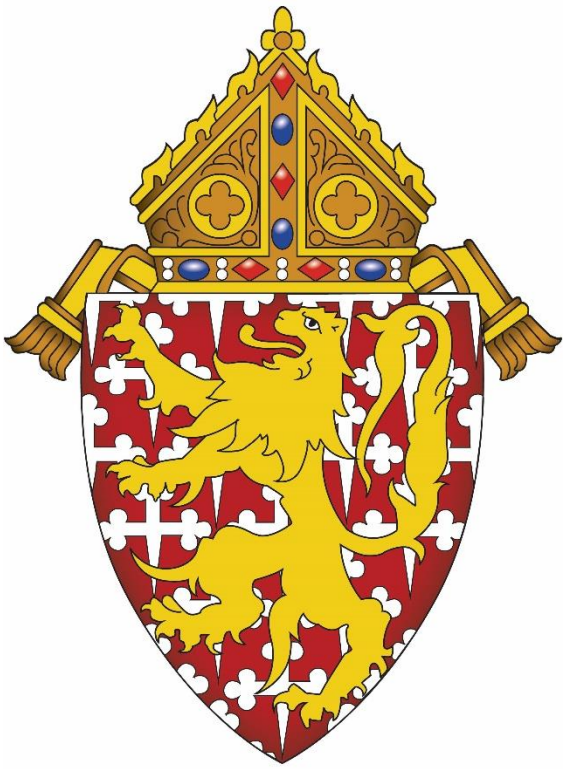
Diocese of Wilmington
Catholic Schools Office



School Personnel Handbook

DIOCESE OF WILMINGTON MISSION STATEMENT

The Roman Catholic Diocese of Wilmington, encompassing the state of Delaware and the nine counties of the Eastern Shore of Maryland, is a believing community, professing its faith in God who is Father, Son, and Holy Spirit. Through Baptism and the gift of the Holy Spirit, we are joined not only to Christ, the Head of the Body which is His Church, but to all who believe in Him as Lord and Savior. In communion with the Pope, who is the Bishop of Rome, and guided by the pastoral care of the Roman Catholic Bishop of Wilmington, we are called and commissioned:

1. To be a community of faith living the love poured into our hearts by the Holy Spirit;

2. To proclaim the good news of salvation announced through Jesus Christ and confided to the Church;

3. To celebrate in liturgy, especially in Eucharist, the saving act of God in Christ;

4. To strengthen our allegiance to the Gospel and deepen our understanding of it; and finally,

5. To serve all our brothers and sisters as Jesus taught us.

United by faith, worship, prayer, and service, and grateful for God's many gifts, we seek the constant guidance of the Holy Spirit. Continually we reaffirm the mission we have received to announce and promote the presence of God's Kingdom, which is already at work in our midst.

CATHOLIC SCHOOLS OFFICE MISSION STATEMENT

The Catholic Schools Office leads, serves, and supports the school communities of the Diocese of Wilmington to proclaim the Gospel of Jesus Christ. We partner with our schools to develop leaders for the Church and the world by fostering faith formation, promoting academic rigor, encouraging service, and planning for a vibrant future for Catholic education.

Our Core Values

RESPECT

- Ourselves and each other
- Our similarities and our differences

INTEGRITY

- In what we say
- In how we act

ACCOUNTABILITY

- Accept responsibility
- Maintain confidentiality

TRUST

- In our call to ministry
- In ourselves and each other

SERVICE

- To our Lord in our work
- As stewards of the people of God

Catholic Diocese of Wilmington

INTRODUCTION

The purpose of this handbook is to outline the personnel policies and procedures for parish, diocesan, and regional Catholic schools.

Due to the diversity of schools within the Diocese of Wilmington, there may be additional local policies and procedures which impact the topics addressed in this handbook. Consult local policy documents which may provide supplementary information.

The Catholic Schools Office reserves the right to make changes and adjustments to these policies and guidelines, as deemed necessary.

The content of the Personnel Handbook as amended hereafter is provided for information only and shall not be construed as a representation of an employment agreement, as creating tenure of employment. Only at-will employment is offered under these policies.

These policies and guidelines supersede all previously disseminated handbooks and policy manuals.

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EMPLOYMENT IN DIOCESE OF WILMINGTON CATHOLIC SCHOOLS

Catholic schools in the Diocese of Wilmington will staff all vacancies with the best qualified persons.

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NON-DISCRIMINATION IN EMPLOYMENT

Catholic schools in the Diocese of Wilmington will consider applications for employment in a professional and inclusive manner, consistent with their mission and belief statements and ethical standards.

All employment decisions are to be made without regard to age, race, sex, disability, and/or national origin. Qualifications being equal, candidates who are Catholic will receive first consideration in appointment. Candidates of other faiths may be employed if they actively support the mission and belief statements of the school and the educational mission of the school.

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ADA REQUESTS FOR ACCOMMODATION

Catholic schools in the Diocese of Wilmington must comply with the American with Disabilities Act (ADA) protecting qualified individuals with disabilities. Determining disabilities and the need for an accommodation is done on a case-by-case basis.

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NEPOTISM

Catholic schools in the Diocese of Wilmington may not employ an immediate family member or a close relative of any staff member in any position within the supervisory control, either direct or indirect, of that staff member. Employment in a "de-minimis" capacity (i.e., not subject to FICA or Medicare withholding) is exempted from this provision.

Immediate family is defined as spouse, children, parents, siblings, and legal guardians. Close relative is defined as grandparents, spouse's parents, aunts, uncles, nieces, nephews, brothers-in-law, and sisters-in-law.

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POSITION DESCRIPTIONS

Catholic schools in the Diocese of Wilmington must have an approved job description for every position. This job description must include:

HEADING

- Title
- Accountability
- Employment Status
    - Full-time, Regular Part-time, Temporary and Seasonal
    - 10-, 11-, 12-month
- Fair Labor Standards Act (FLSA) Classification
    - Exempt
    - Non-Exempt

PURPOSE

- Brief summary of the position (one or two sentences)

QUALIFICATIONS (may include all or some of the following)

- Education
- Experience
- Knowledge, skills, and abilities required to successfully perform the job

ESSENTIAL FUNCTIONS

- Description of key tasks and responsibilities and their purpose

OTHER DUTIES

- Any tasks and/or responsibilities not listed as essential functions
- Must include the statement, "Other duties as deemed necessary by the school administrator or immediate supervisor."

SPECIAL DEMANDS (as applicable)

- Heavy lifting, exposure to extreme temperatures, prolonged standing, travel, etc.

ENVIRONMENTAL AND WORKING CONDITIONS

- Must include the statement, "Critical features of this job are described under the headings above. The president/principal reserves the right to adjust the duties and responsibilities as needed."

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CREATING A POSITION

Catholic schools in the Diocese of Wilmington may create a new position in the school, only after receiving the required approval.

If a ***parish or regional school*** wishes to add a position to the teaching or administrative staff, the administrator should discuss the position and the need with the pastor prior to entering into the search and selection process. If the position does not have a position description, the administrator should develop a position description as part of the approval process. Only when the position is approved by the pastor may the search and selection process begin.

If a ***diocesan school*** wishes to add a position to the teaching or administrative staff, the administrator should discuss the position and the need with the superintendent prior to entering into the search and selection process. If the position does not have a position description, the administrator should develop a position description as part of the approval process. Only when the position is approved by the superintendent may the search and selection process begin.

If a ***school with a Board of Specified Jurisdiction*** wishes to add a position to the teaching or administrative staff, the administrator should discuss the position and the need with the board prior to entering into the search and selection process. (The board's jurisdiction extends to the approval process, not the search and selection process. The administrator may choose to invite a board representative(s) to serve on a search committee.) If the position does not have a position description, the administrator should develop a position description as part of the approval process. Only when the position is approved by the board (and in the case of diocesan schools, the superintendent) may the search and selection process begin.

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EMPLOYEE CLASSIFICATION

Catholic schools in the Diocese of Wilmington must clearly and accurately classify all employees according to federal standards.

Introductory employees are persons within their first 90 days of employment (Orientation Period).

Full-time employees are persons hired to work 35 hours or more per week and to whom there is no assigned time limit for employment. Employees are normally required to work five days per week, Monday through Friday, through the school year, as indicated by the school calendar. Certain employees such as administrators, administrative assistants, office staff, and maintenance workers may be expected to work a 12-month schedule.

Regular Part-time employees are persons hired to work 34 hours per week or less to which there is no assigned time limit for employment.

Temporary and Seasonal employees are persons hired to work for a specific period of time not to exceed 6 months in a 12-month period.

Positions may be hourly or salaried based on Fair Labor Standards Act (FLSA) status.

Within Employee Classification, staff is divided into one of two Employee Categories:

Exempt employees are faculty/staff who perform work directly related to management, supervise other employees, or who perform work requiring specialized education and/or experience in a recognized discipline. They are exempt from overtime pay provisions of the FLSA and applicable State law. Employees who are exempt will be so notified at the time of hire, promotion, or transfer.

Non-Exempt employees are full-time or part-time staff who do not meet the required specification for exempt status as defined by the FLSA and applicable state law and as such receive overtime pay (no less than a rate of time and one-half the regular hourly rate) for time worked in excess of forty hours in a workweek.

Refer to *CSO Fair Labor Standards Act (FLSA) Employee Classification Guidelines*.

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IDENTIFYING A QUALIFIED CANDIDATE

Catholic schools in the Diocese of Wilmington will evaluate all candidates on the basis of experience, competencies, education, skills, aptitudes, credentials, and availability, as well as the requirements of the job position, including physical demands.

When a position is open, consideration will be given to current qualified employees whose performance demonstrates required competencies.

The positions of president, principal, and religion teacher require that an individual be a practicing Catholic in good standing. A school may determine that additional positions must meet this requirement.

The Catholic Schools Office maintains a file of qualified applicants for teaching and administrative positions. These records are available to administrators who anticipate an opening. Schools may receive individual inquiries for employment and are encouraged to keep a local file of candidates who have appropriate qualifications for expected openings.

The Catholic Schools Office provides the opportunity for schools to post openings on the diocesan website. Schools may also choose to advertise through electronic or print media.

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CONSIDERING A QUALIFIED CANDIDATE FOR INTERVIEW

Catholic schools in the Diocese of Wilmington require candidates to meet the following minimum criteria before an interview is offered:

108.1 – President

- Submit a diocesan employment application and/or cover letter and resume to the Catholic Schools Office
- Live as a practicing Catholic
- Hold an advanced degree (M.A., M.S., M.Ed., Ed.D., Ph.D.) from an accredited institution in an area of study that supports the role/responsibilities of the president
- Have previous successful leadership experience

108.2 – Principal

- Submit a diocesan employment application and/or cover letter and resume to the Catholic Schools Office
- Live as a practicing Catholic
- Hold an advanced degree (M.A., M.S., M.Ed., Ed.D., Ph.D.) from an accredited institution in an area of study that supports the role/responsibilities of the principal
- Have a minimum of five years teaching experience (Catholic school and administrative experience preferred)
- Hold or be eligible for Delaware or Maryland licensing/certification

108.3 – Assistant Principal

- Submit an employment application and/or cover letter and resume to the principal
- Live as a practicing Catholic
- Hold a minimum of a bachelor's degree from an accredited institution in an area of study that supports the role/responsibilities of the assistant principal (advanced degree preferred)
- Have a minimum of five years teaching experience (Catholic school experience preferred)
- Hold or be eligible for Delaware or Maryland licensing/certification

108.4 – Other Administrators and Directors

- Submit an employment application and/or cover letter and resume to the president/principal
- Have an understanding of Catholic identity (practicing Catholic preferred)
- Hold a minimum of a bachelor's degree from an accredited institution in an area of study that supports the role/responsibilities of the position (advanced degree preferred)
- Have a minimum of three years experience in an appropriate field (Catholic school experience preferred)

108.5 – Teacher

- Submit a diocesan employment application and/or cover letter and resume to the principal
- Hold a minimum of a bachelor's degree from an accredited institution in an area of study that supports the role/responsibilities of the teacher
- Have completed student teaching (if not listed on transcript, proof of completion must be submitted) OR have a letter of eligibility or proof of enrollment from a Delaware or Maryland approved alternative route to certification program
- Hold or be eligible for Delaware or Maryland licensing/certification

108.6 – Counselor

- Submit a diocesan employment application and/or cover letter and resume to the principal
- Hold a minimum of a master's degree from an accredited institution in an area of study that supports the role/responsibilities of the counselor
- Hold or be eligible for Delaware or Maryland licensing/certification or National Board Certification

108.7 – Nurse

- Submit a diocesan employment application and/or cover letter and resume to the principal
- Hold a minimum of a BSN degree from an accredited nursing program
- Have a minimum of three years nursing experience
- Hold a nursing license for the state of practice (Delaware or Maryland)
- Submit proof of nursing liability insurance
- Be CPR certified

108.8 – Paraprofessionals

A paraprofessional is a classroom assistant or teacher's aide, typically employed in the primary school classrooms. Paraprofessional credentials vary from school to school, based on the position description and responsibilities of the position. The following are minimum requirements:

- Submit an employment application and/or cover letter and resume to the principal
- Hold a minimum of a high school diploma
- Be at least 18 years of age

108.9 – Other Staff Positions

Administrative assistants, school secretaries, maintenance workers, cafeteria personnel, extended care workers, etc. should all be hired based upon the credentials needed to meet the position descriptions. The following are minimum requirements:

- Submit an employment application and/or cover letter and resume to the principal
- Be at least 18 years of age

Additional Criteria for Clergy/Religious

When a member of the clergy or a religious from an order/congregation not currently serving within the Diocese of Wilmington applies for a position, an administrator must seek permission for employment through the Office of the Bishop.

When any religious applies for a position, in addition to meeting the requirements for the position, a letter of approval from the major superior must be submitted.

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DOCUMENTS REQUIRED FOR EMPLOYMENT

Catholic schools in the Diocese of Wilmington require the following documents to be on file in the Catholic Schools Office and/or the local school office at the time of employment:

109.1 – President

- Diocesan employment application
- Cover letter and resume
- Official transcript(s) – Master's degree minimum
- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.2 – Principal

- Diocesan employment application
- Cover letter and resume
- Official transcript(s) – Master's degree minimum
- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- Administrator or teacher license/certificate from the state of Delaware or Maryland (or proof of eligibility)
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.3 – Other Administrators and Directors

- Diocesan or local employment application (as applicable)
- Cover letter and resume
- Official transcript(s) – Minimum education requirements as applicable
- Criminal background clearance from Delaware or Maryland State Police

- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- Administrator or teacher license/certificate from the state of Delaware or Maryland (or proof of eligibility), as applicable
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.4 – Teacher

- Diocesan employment application
- Cover letter and resume
- Official transcript(s)
- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- Teacher license/certificate from the state of Delaware or Maryland (or proof of eligibility)
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.5 – Counselor

- Diocesan employment application
- Cover letter and resume
- Official transcript(s)
- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- School Counselor license/certificate from the state of Delaware or Maryland (or proof of eligibility), or National Board certificate
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.6 – Nurse

- Diocesan employment application
- Cover letter and resume
- Official transcript(s)

- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- Nursing license for the state of practice (Delaware or Maryland)
- Insurance certificate
- CPR Certification
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.7 – Paraprofessionals

- Employment application
- Official transcript(s), if applicable, or high school diploma/verification of high school graduation
- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

109.8 – Other Staff Positions

- Employment application
- Official transcript(s), if applicable, or high school diploma/verification of high school graduation
- Criminal background clearance from Delaware or Maryland State Police
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- TB test results
- Pre-employment drug test clearance from the diocesan Human Resources Office
- I-9 form

Additional Documentation for Religious

In addition to the documents required for employment, the file of a religious must include a letter of approval from the major superior.

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WRITTEN OFFERS OF EMPLOYMENT

Catholic schools in the Diocese of Wilmington are required to utilize written offers of employment which are reviewed and signed annually, unless otherwise specified below:

110.1 – Diocesan Administrator Employment Agreement

- For president, principal, assistant principal or other designated administrator
- 12-month employment agreement
- Signed by the administrator and pastor/superintendent
- Reviewed and approved by the Catholic Schools Office

110.2 – Diocesan Full-Time Professional Employment Agreement

- For teacher, counselor, library/media specialist, assistant principal
- 10- or 11-month employment agreement
- Signed by the employee, administrator, and pastor/superintendent
- Reviewed and approved by the Catholic Schools Office

110.3 – Diocesan Part-Time Professional Employment Agreement

- For teacher, counselor, library/media specialist, assistant principal
- 10- or 11-month employment agreement
- Signed by the employee, administrator, and pastor/superintendent
- Reviewed and approved by the Catholic Schools Office

110.4 – Diocesan Administrator Memorandum of Understanding (Religious)

- For principal, assistant principal
- 12-month employment agreement
- Signed by the administrator, superior, and superintendent
- Reviewed and approved by the Catholic Schools Office

110.5 – Diocesan Teacher Memorandum of Understanding (Religious)

- For teacher, counselor, library/media specialist, assistant principal
- 10- or 11-month employment agreement
- Signed by the teacher, administrator, and superior
- Reviewed and approved by the Catholic Schools Office

110.6 – Diocesan Nurse Employment Agreement

- For school nurse
- 10- or 11-month employment agreement
- Signed by the employee, administrator, and pastor/superintendent
- Reviewed and approved by the Catholic Schools Office

110.7 – Local Agreement

- For faculty who were hired **prior to June 30, 2018** who do not meet the current criteria listed in the Diocesan Employment Agreement and whose employment was discussed with the Catholic Schools Office and approved by the Pastor
- Signed by the employee, administrator, and pastor

Local agreements were only intended for limited use with long-standing teachers who were hired prior to the change in minimum qualifications. At this time NO LOCAL AGREEMENTS SHOULD BE OFFERED to any teacher who began his/her employment after June 30, 2018, as teachers should not be hired who do not meet the current minimum qualifications.

110.8 – Local Offer of Employment Letter

- For all other employees
- Initial letters are signed by the president/principal/pastor only (employees do not sign offer letters)
- Reviewed with the employee, but not signed, annually

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INTRODUCTORY PERIOD

Catholic schools in the Diocese of Wilmington are required to identify the first 90 calendar days of employment as the introductory period.

The introductory period is considered an extension of the selection process. Ninety days is a reasonable period of time in which to determine if the employer/employee relationship is beneficial to both parties. During this period either the employer or employee of the school may terminate employment immediately, with or without cause and with or without notice. Prior to the conclusion, but not sooner than 60 days, a written assessment of the employee will be completed.

For presidents/principals, a written assessment must be completed before the end of the introductory period by the superintendent, or designee, with input from the pastor, where applicable. Based upon the results of the assessment and follow up with the administrator, continued employment will be determined.

For teachers, a written assessment must be completed before the end of the introductory period by the principal or designated administrator. This assessment must include the findings of a minimum of one formal observation, an informal observation, and beyond-the-classroom observations. Based upon the results of the assessment and follow up with the teacher, continued employment will be determined.

For all other employees, a written assessment must be completed before the end of the introductory period by the president, principal or designated supervisor. Based upon the results of the assessment and follow up with the administrator, continued employment will be determined.

This 90-day introductory period is not a term of employment and is not intended to, nor does it impact the at-will nature of the relationship between the employee and the employer.

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EMPLOYEE ORIENTATION

Catholic schools in the Diocese of Wilmington are required to provide an orientation for all new employees. It is the responsibility of the president and/or principal to ensure that a suitable process of orientation is arranged for new employees.

Orientation should include, but not be limited to:

- The Mission Statement and Core Values of the Diocese
- Catholic Schools Office Mission Statement
- The Mission Statement and Belief Statement of the School
- Catholic Schools Office Personnel Handbook
- School Handbook(s)
- School Protocols and Responsibilities Appropriate to the Position
- Performance Standards for Respective Position(s)
- Process for 90-Day Performance Assessment
- Catechetical Certification (if applicable)
- Licensing and Mentoring Requirements (if applicable)
- CSO Intranet (if applicable)

The Catholic Schools Office of the Diocese of Wilmington provides an orientation for new presidents and/or principals.

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CONTINUED EMPLOYMENT

Catholic schools in the Diocese of Wilmington require that an intent process occurs annually for all employees.

Administrators are required to submit a letter of intent to the Catholic Schools Office indicating their desire to continue employment at the school by January 31. The Administrator Intent Form must be signed by the administrator and the pastor/superintendent. As such, the administrator and pastor/superintendent should meet to discuss continued employment prior to the deadline.

If the pastor requests an extension to determine the continued employment of a president/principal, the intent form should be marked accordingly and submitted to the superintendent for approval by January 31. If an extension is required a final decision must be communicated verbally and in writing by the pastor to the administrator by February 28. If the pastor does not plan to extend an offer of continued employment, he must first discuss the intention with the superintendent. Such a decision should be undertaken after an administrator has received previous written indication of concern about performance or professional behavior.*

Teachers, counselors, and nurses are required to sign a letter of intent indicating their desire to continue employment at the school by March 15.

All other school employees may be asked to sign a letter of intent indicating their desire to continue employment at the school by March 15.

If a president and/or principal does not plan to extend an offer of continued employment, he/she must first discuss the intention with the superintendent. Such a decision should be undertaken after an employee has received previous written indication of concern about performance or professional behavior OR there is a change in staffing/program which requires a reduction in force. The employee must be notified verbally AND in writing by March 31.*

*In egregious cases, after consultation with the superintendent, termination may be immediate without written indication of concern (see Policy 503).

If an administrator anticipates a reduction in force due to a change in staffing/program or decline in enrollment, all faculty and staff must be notified in writing by March 31.

Final decisions on continued employment must be communicated to employees verbally and in writing by May 15.

The employer has no obligation, express or implied, to extend or renew an employment agreement or to continue to adhere to an employment agreement beyond its term.

Each year, beginning in January, teachers may request to be considered for a transfer to another Catholic school within the Diocese of Wilmington. Any teacher interested in this opportunity must first inform his/her current principal of the request for transfer. A realistic timeline should be agreed upon between the current principal and teacher for a final commitment to the current school. Teachers requesting consideration of a transfer will then contact the Catholic Schools Office to be placed on the Teacher Transfer List.

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HIRING FROM OTHER CATHOLIC SCHOOLS

Catholic schools in the Diocese of Wilmington must adhere to diocesan protocols when hiring administrators/teachers from other Catholic schools.

Presidents/principals may interview an administrator or a teacher from another Catholic school if the candidate meets the minimum criteria for the open position. An offer of employment may not be made without engaging in a conversation with the candidate's current administrator. This conversation must include a documented reference check on the candidate.

At no time is a school administrator, or designee, permitted to solicit an employee from another Catholic school.

After August 1, school administrators may not consider hiring an administrator/teacher who has signed an agreement of employment with, or made a commitment to, another Catholic school.

If an administrator/teacher transfers to another school within the Diocese of Wilmington, without a break in employment, the personnel file transfers to the new school. This includes the local personnel file, medical personnel file, and I-9 form.

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PERSONNEL RECORDS

Catholic schools in the Diocese of Wilmington must maintain the appropriate personnel records for all employees.

For all employees who receive a Diocesan Employment Agreement, a permanent personnel file will be maintained by the Catholic Schools Office. A local personnel file, supervisory file, and medical file must be kept for each employee, as well as an I-9 file for all employees. All personnel documentation must be housed in a locked file and maintained in a confidential manner.

Diocesan Permanent Personnel File – Maintained by the Diocese of Wilmington Personnel Coordinator

- Employment Application Documents
  - Diocesan Catholic Schools Office Employment Application
  - Resume
  - Official Transcript(s)
  - Background Clearance Report from the Office of Safe Environments
  - Delaware or Maryland Licensing/Certification Credentials or Proof of Eligibility
- Annual Documents
  - ***Original*** Employment Agreements
  - ***Original*** Summative Evaluations
  - ***Original*** Absentee Reports
  - *Diocese of Wilmington Catholic Schools Office School Personnel Handbook Acknowledgement Forms*
- Background Clearance Renewal Reports from the Office of Safe Environments
- Licensing/Certification Renewals
- Termination Report (when applicable)

Local Personnel File – Maintained by the Business Manager

- Copies of Employment Application Documents
  - Diocesan Catholic Schools Office Employment Application
  - Resume
  - Transcript(s)
  - Delaware or Maryland Licensing/Certification Credentials or Proof of Eligibility

- Background Clearance Report from the Office of Safe Environments
- W-4 - Employee Withholding Allowance Certificate
- Copy of valid Driver's License and current DMV record IF an employee will ever be in the position of driving students to or from an event
- Annual Documents
    - Employment Agreements
    - Summative Evaluations or Performance Appraisals, as applicable
    - Absentee Reports
    - Record of Absences including designation (i.e. sick, bereavement, personal, etc.)
    - *Acknowledgement of Child Abuse/Neglect Reporting Responsibilities*
    - *Diocese of Wilmington Catholic Schools Office Personnel Handbook Acknowledgement Forms*
    - School Personnel Handbook Acknowledgement Forms
    - Ethical Standards for Employees Forms
    - Confidentiality Statement or Agreements
    - Acceptable Use of Technology Agreements
- Licensing/Certification Renewals
- Termination Report (when applicable)

Supervisory File – Maintained by the School Administrator
Required:

- ***Original*** letters of recommendation and/or documented telephone reference checks
- Annual Documents
    - Employment Agreements
    - Summative Evaluations or Performance Appraisals, as applicable
    - Observation Documents, as required
    - Absentee Reports
    - Record of Absences including designation (i.e. sick, bereavement, personal, etc.)

Recommended:

- Copies of Employment Application Documents
    - Diocesan Catholic Schools Office Employment Application
    - Resume
    - Transcript(s)
    - Delaware or Maryland Licensing/Certification Credentials or Proof of Eligibility
- Employee Emergency Contact Information

- Copy of valid Driver's License and current DMV record IF an employee will ever be in the position of driving students to or from an event
- Annual Documents
    - *Acknowledgement of Child Abuse/Neglect Reporting Responsibilities*
    - *Diocese of Wilmington Catholic Schools Office Personnel Handbook Acknowledgement Forms*
    - School Personnel Handbook Acknowledgement Forms
    - Ethical Standards for Employees Forms
    - Confidentiality Statement or Agreements
    - Acceptable Use of Technology Agreements
- Licensing/Certification Renewals

Medical Personnel File – Maintained by the School Nurse

- Pre-employment Drug Testing Results
- Any employee-shared medical information provided by a medical professional including initial TB Test and ongoing TB Risk Assessment results
- Copy of FMLA documentation, if applicable - Original documentation maintained by Diocese of Wilmington Human Resources Office

I-9 File – Maintained by the Business Manager

- Employee I-9 Forms
- All I-9 forms are to be maintained together in a separate locked file

All personnel files and I-9 forms are retained for SEVEN years post-employment.

If an administrator/teacher transfers to another school within the Diocese of Wilmington, without a break in employment, the personnel file transfers to the new school. This includes the local personnel file, medical personnel file, and I-9 form.

The supervisory file DOES NOT transfer to another school and is retained for ONE year post-employment.

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REFERENCE CHECKS

Catholic schools in the Diocese of Wilmington are required to obtain a minimum of three favorable references for each employee prior to the offer of employment.

Employee references must be current (within five years) and have first-hand knowledge of the candidate's professional ability to succeed in the position of interest. If applicable, one reference must be obtained from the applicant's most recent employer.

References may be obtained via letter and/or documented phone conversation. For phone reference conversations, refer to the *SAMPLE Phone Reference Document*.

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VERIFICATION OF EMPLOYMENT

Catholic schools in the Diocese of Wilmington will provide verification of employment for current or former employees.

No request for verification, written or verbal, may be fulfilled without signed authorization by the employee.

Only the employee's name, employment dates, and position title may be provided to an outside request, unless specifically for a bank loan. If a verification of employment is presented for a bank loan, it must include a signed authorization from the employee and the financial institution.

The Catholic Schools Office maintains permanent personnel file information. Verification of Employment requests may be forwarded to the Catholic Schools Office.

200

JOB EXPECTATIONS

Catholic schools in the Diocese of Wilmington require employees to fulfill all job expectations in a manner befitting the status of an employee of the Catholic Church.

201

EMPLOYEE CONDUCT

Catholic schools in the Diocese of Wilmington require all employees to conduct themselves, at all times, within the context of the Diocese of Wilmington's Code of Ethical Standards, Core Values, and the local school's mission and belief statements.

202

CRIMINAL BACKGROUND CLEARANCE

Catholic schools in the Diocese of Wilmington require each employee to be cleared through a criminal background check.

In adherence with *For the Sake of God's Children*, before hire, administrators, teachers and staff must complete a fingerprinted background check with the State of Delaware or Maryland.

Background checks must be renewed every five years through Hyden and Associates.

203

CONFIDENTIALITY

Catholic schools in the Diocese of Wilmington require employees to demonstrate confidentiality at all times.

All employees must have a clear understanding that confidentiality is of the highest importance to the operation of Catholic schools. Each employee is required to treat proprietary and student information with the utmost respect and discretion, and to ensure no inadvertent disclosure or unauthorized use of such information occurs at any time.

Confidential information is information identified as confidential and also includes the proprietary information of the Diocese, parish, or school, and personal information such as names, addresses, telephone numbers, credit card numbers, medical information, and other financial information concerning students, families, faculty, staff, parishioners, and other employees.

Extreme care must be taken to ensure that inadvertent disclosure or unauthorized use of confidential or proprietary information does not occur. All employees share responsibility for ensuring the security of confidential and proprietary information to which they have access and/or over which they exert control. Failure to observe proper physical or electronic control requirements may be cause for disciplinary action, up to and including termination of employment.

Confidential information must be destroyed in a manner that is unlikely to result in breach of confidentiality.

Sharing confidential information outside the Diocese must be pursuant to a written agreement which includes provisions for maintaining the confidentiality, security, and integrity of the information shared.

Confidential information includes, but is not limited to:

- Student records
- Personal information (students, families, school and parish employees)

School employees are required to sign a confidentiality statement or agreement annually, indicating that they are familiar with the responsibilities and accountability of confidentiality.

Refer to the *Diocese of Wilmington Confidentiality and Security Agreement* as a guideline.

204

DRESS CODE AND APPEARANCE

Catholic schools in the Diocese of Wilmington are expected to maintain professional environments that reflect Catholic values. It is expected that all schools cultivate an environment free from extremes in dress and appearance that may cause unnecessary distractions.

The appearance of employees during the normal workday and in all employment-related activities should therefore reflect positively on the employee, the school, the parish, and the Diocese. All employees are expected to maintain a neat, clean, and modest mode of dress and appearance.

For women, inappropriate dress includes, but is not limited to, casual sandals such as flip flops, sneakers**, tee shirts*, athletic wear*, shorts*, Capri/cropped pants above the calf, leggings, yoga pants, jeans, spaghetti straps, tank tops, extremely tight clothes, clothes that do not adequately cover undergarments, extremely short skirts, low-cut shirts and pants, or any other extremely revealing clothing.

For men, inappropriate dress includes, but is not limited to, casual sandals such as flip flops, sneakers**, tee shirts*, athletic wear*, shorts*, jeans, tank tops, extremely tight clothes, clothes that do not adequately cover underwear, low-cut shirts and trousers, or any other extremely revealing clothing.

* Coaches and physical education teachers may wear these clothing items.

** Coaches, physical education teachers, playground monitors, extended day teachers, and cafeteria workers may wear sneakers.

Jewelry deemed inappropriate or distracting by administration may not be worn.

Tattoos deemed inappropriate by administration must be covered. Decisions may be based on criteria including, but not limited to, image, placement and subject matter.

The school administration may impose additional expectations with regard to dress code and/or appearance. In addition, the school administration may make exceptions to the dress code for certain events. Employees can be sent home to change their clothes if they come to work in inappropriate dress. Repeat offenses are cause for disciplinary action, up to and including termination.

205

SMOKE-FREE WORKPLACE

Catholic schools in the Diocese of Wilmington are required to be smoke-free.

The use or distribution of tobacco and tobacco-like products, including “vaping” with E-cigarettes (or any electronic smoking device designed to resemble a cigarette, cigar, cigarillo, or pipe), is prohibited at all times in school buildings, on school grounds, in school-leased vehicles, and at all school-affiliated functions.

206

DRUG- AND ALCOHOL-FREE WORKPLACE

Catholic schools in the Diocese of Wilmington must adhere to the Diocese of Wilmington's drug and alcohol policies as outlined below.

Catholic schools are committed to a drug- and alcohol-free workplace. Impairment, caused by alcohol and drug use and abuse, poses a threat to the health and safety of the Catholic school employees and to the security of equipment and facilities. "Impairment" or "being impaired" means that an employee's normal physical or mental abilities while at work have been detrimentally affected by the use of illegal drugs or alcohol.

Anyone who begins work while impaired or becomes impaired while at work is guilty of misconduct and is subject to severe disciplinary action. Disciplinary action can include suspension, termination, or any other penalty appropriate under the circumstances. The use, possession, transfer, or sale of any illegal drugs on school premises is prohibited. Anyone who violates this rule is subject to disciplinary action up to and including termination.

The school reserves the right to take all appropriate actions necessary to enforce this substance abuse policy including, but not limited to, the inspection of the employee's personal property, work space, or other suspected areas of concealment.

Pre-employment – All candidates who have been offered employment will be subject to drug testing through WORKPRO/Pivot Occupational Health, or other diocesan approved sites, prior to the beginning of employment with the Catholic school. All schools must follow the *Procedures for Catholic Schools' Pre-employment Drug Testing – Updated 05/10/21*. Successful completion of this testing is required for employment.

Post-Accident – All employees injured at work or involved in an accident while driving a school- or parish- owned vehicle may be required to submit to a drug screen and alcohol test.

Reasonable Suspicion – Specimens may be requested if an employee appears to be impaired by alcohol and/or drugs on school property or at any school-sponsored event, and reasonable suspicion or cause has been established. If an administrator suspects an employee is impaired, he/she is required to complete a *Reasonable Cause Determination Form* in determining that reasonable suspicion exists. If an employee

suspects another employee is impaired, he/she should notify the employee's administrator, or if necessary the administrator's supervisor, who should complete a *Reasonable Cause Determination Form* in determining that reasonable suspicion exists.

Rehabilitation – Chemical dependence or substance abuse is a treatable disease. Catholic school employees are encouraged to seek help and are assured that school administration will work in confidence with the employee to arrange appropriate treatment. A request for help will in no way be prejudicial to the employee, although reassignment of duties may be necessary to ensure the needs of the school are met.

Chemical dependence is a chronic life-threatening disease which can seriously interfere with work performance, interpersonal relationships on the job, and the safety and welfare of others in the work environment. Whether the abuse occurs on or off the job, an employee may demonstrate that he or she no longer has the ability to meet responsibilities with students and other staff members.

In cases in which the employee does not voluntarily seek help, the principal/president/pastor/superintendent (as applicable) may determine that the employee must successfully complete treatment as a condition of continued employment. At that time, the employee will be referred for testing and evaluation by certified professionals to undergo treatment as determined necessary by these professionals. If the employee refuses treatment or fails to follow the recommendations of the certified professionals, employment will be subject to termination.

Costs associated with evaluation and treatment will be paid by the employee's health insurance provider or assumed by the employee.

Follow-up Testing – An employee who enters a rehabilitation program due to a positive result of one of the tests listed above, or is removed voluntarily, or otherwise, from the job duties because of a positive result must submit to follow-up random testing at least once a year for a two-year period following completion of the rehab program.

Return to Duty – An employee who tests positive and is removed from duty, but not terminated, must submit drug and/or alcohol testing and obtain negative results before returning to work.

Refusal to Submit – Violation or a failure or refusal to fully cooperate and comply with this drug and alcohol policy are cause for disciplinary action up to and including termination from employment.
An employee may not refuse to consent or submit to alcohol or controlled substances tests required by this policy. Failure or refusal to proceed directly and immediately to the collection site for reasonable cause and/or post-accident testing will be considered a refusal to test and the employee will be terminated. A refusal to test is considered a positive test result.

Violation of this policy for employees who operate a school vehicle is cause for immediate termination of employment.

This policy cannot, and does not, cover every situation which may arise concerning the subjects of drug and alcohol use/abuse.

207

WORK SCHEDULE

Catholic schools in the Diocese of Wilmington are required to clearly communicate the work schedule to all employees.

The normal workweek for a full-time employee is generally 35-40 hours. Part-time employees' workweeks vary based on the needs of the local school.

Faculty who are employed for 10 months on a *Diocese of Wilmington Office of Catholic Schools Full-Time Professional Employment Agreement* are employed for a total of 190 days.

Total number of days for faculty or administrators who are employed for 11 or 12 months on a *Diocese of Wilmington Office of Catholic Schools Full-Time Professional Employment Agreement* is determined on a case-by-case basis.

It is expected that full-time faculty will be in their schools or on duty a minimum of 30 minutes prior to the start of the school day and a minimum of 30 minutes after the end of the school day.

Teachers involved in a school-sponsored activity as a coach, club moderator, tutor, etc. may begin their before/after school activity during the required half-hour they are to be present before/after school provided that:

- the principal approves of this action
- the activity does not interfere with time the teacher should be available for student assistance, school meetings, or parent conferences, unless appropriate arrangements have been made
- remuneration for the activity is coordinated through payroll at the school

Each full-time teacher and classroom assistant is entitled to a minimum 30-minute lunch break away from the children during the school day. A part-time employee who works more than four hours per day is also entitled to a shortened break as determined appropriate by the principal.

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SCHOOL DUTIES

Catholic schools in the Diocese of Wilmington expect employees to fulfill all school duties necessary for the successful operation of the school.

Faculty and staff can be asked to perform additional school-related duties. It is also expected that teachers will accept other duties related to the educational program of the school. It is within the scope of the employment agreement for these duties to be assigned.

Faculty and staff can be asked to take responsibility for:

- Lunch periods and/or recess
- Hall monitoring
- Morning drop-off or afternoon dismissal
- Curriculum or level coordinator
- Department head
- Committee member
- Advisor to a club or organization
- Participation in other activities that bring life and energy to the school program
- Other responsibilities as deemed necessary by the school administration

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WORK ENVIRONMENT

Catholic schools in the Diocese of Wilmington are required to maintain a well-functioning workplace environment.

All school employees are expected to maintain professional, organized, clean, and properly sanitized workspaces, free from clutter. Classrooms, offices, and meeting spaces should reflect a positive environment, one that the school is proud to present to students, parents, and visitors.

In the interest of maintaining a proper environment, preventing the disruption of work and eliminating the inconvenience of others, employees, without permission of the school administrator, may not distribute literature or other printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time or in work areas. This includes prohibition of solicitation or distribution via electronic communication systems.

Persons not employed at the school may not solicit or distribute literature on school property or in the school offices for any purpose at any time.

The exceptions to this policy are specific charities, events, or literature created or sponsored by the school or the Diocese.

210

ATTENDANCE

Catholic schools in the Diocese of Wilmington require employees to adhere to all attendance policies and protocols.

A school program is highly dependent upon the presence of its administration, faculty and staff for the success of the instructional program and student learning. For this reason, employees are strongly encouraged to be present each day during the school year.

When an employee knows of the need to be absent, he/she should notify the principal or other designee as far in advance as possible. Local written protocol must be followed.

211

SCHOOL/DIOCESAN MEETINGS (PROFESSIONAL OBLIGATIONS)

Catholic schools in the Diocese of Wilmington require that all administrators, faculty, and staff attend all school and diocesan meetings, conferences, and events, as required.

This includes, but is not limited to:

- Administrator and faculty meetings
- Level/subject area/department meetings
- Parent-teacher meetings and conferences
- Professional development experiences
- Faith formation experiences
- Mentoring sessions

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CELL PHONE USAGE

Catholic schools in the Diocese of Wilmington are expected to maintain strict guidelines for cell phone usage.

Teachers' personal cell phones should be in the silent position during instructional hours while students are in the classroom or anytime they are responsible for supervision. It is inappropriate to make or accept a cell phone call, send or read a text message, or use a cell phone in any other personal capacity while in class or performing other supervisory duties. If a teacher anticipates a call during the school day or during a meeting due to an emergency, he/she should notify the principal at the beginning of the day.

Non-teaching employees should limit personal cell phone use to urgent matters.

Personal cell phone use during breaks, lunches, and planning periods should occur only in a private area. This ensures privacy, as well as respecting the school's learning environment.

Students should never use a school employee's cell phone to contact a parent. When it becomes imperative for a student to use a phone, he/she must be referred to the school office.

Schools may develop a local policy governing cell phone use for employees.

213

ELECTRONIC EQUIPMENT AND SOFTWARE

Catholic schools in the Diocese of Wilmington must adhere to the diocesan *Acceptable Use Policy.*

With the increasing use of technology, the Diocese of Wilmington continues to promote, apply, and integrate Catholic values, such as honesty, integrity, and sound business ethics as it provides safeguards for computer security and software.

School employees are required to sign the *Diocese of Wilmington Acceptable Use of Technology Agreement* annually indicating that they are familiar with the responsibilities, limitations, and accountability around the use of technology.

214

SEXUAL AND OTHER HARASSMENT

Catholic schools in the Diocese of Wilmington must adhere to diocesan policy on all forms of harassment.

All schools are expected to provide a safe and productive work environment free of unlawful, offensive, or hostile activity, and sexual harassment. This applies to every employee of the Diocese in all workplaces of the Diocese and to all work-related activity off-site whether formally or informally sponsored by a school, parish, or the Diocese of Wilmington. Behavior that interferes with an employee's work performance or contributes toward creation of a hostile work environment is unacceptable and is cause for disciplinary action up to and including termination.

The Catholic schools will not tolerate any form of discrimination or acts of harassment of its employees or students on the basis of age, race, color, national origin, sex, religion, disability, or any other protected status, nor will the schools tolerate any verbal or physical activity or course of conduct of a sexual nature that may result in a hostile environment or interferes with another's work performance.

Administrators* and supervisors must act immediately upon notice of or upon observing any behavior that may reasonably be considered harassment, unprofessional, or contributing toward a hostile work environment to investigate the circumstances and take disciplinary and remedial actions. The administrator will investigate all complaints of sexual harassment and take disciplinary action and remedial action as necessary to enforce the policy.

Harassment includes, but is not limited to:

- Threatened or actual physical violence
- Offensive verbal or physical conduct
    - Unwelcome advances
    - Derogatory or disparaging comments (explicit or implied) on the basis of age, race, color, national origin, sex, religion, disability, or any other protected status
    - Sexual assault
    - Stalking
- Profane or abusive language

- Circulation of, internally or externally from the workplace, emails or attachments that are offensive or would undermine a productive work environment
- Transportation of any weapon (any instrument or instrumentality used in fighting or assault or in defense of an assault) onto school or parish property without prior written authorization

Sexual harassment occurs when:

- Sexual favors are requested as a condition of employment
- The granting or rejecting of sexual favors is used as a basis for employment decisions
- Sexually oriented conduct by others unreasonably interferes with an individual's work performance
- Sexually oriented conduct by others creates an intimidating and hostile environment

Examples of behavior which may constitute sexual harassment are:

- Physical harassment: unwelcome physical contact, including touching any part of the body, kissing, hugging, and standing so close as to make another person uncomfortable
- Non-verbal harassment: the display of sexually graphic material, derogatory posters, cartoons, or drawings, leering or staring at another's body, gestures
- Verbal harassment: pervasive or severe gender-based derogatory comments, slurs, or accusations, lewd talk or jokes, unwelcome sexual advances or propositions, suggestive or graphic comments about an individual's body or clothing

Reporting Procedure

Any employee, volunteer, or student who believes he/she has been the subject of harassment has a responsibility to report the incident or conduct in question to an administrator* or direct supervisor. An individual who is uncomfortable for any reason bringing such matter to the attention of the administrator or direct supervisor, or is not satisfied after doing so, should report the matter to the Superintendent of Schools or the Director of Human Resources at the Diocese of Wilmington. If not contacted directly, the Superintendent of Schools should be made aware of all reports of harassment.

*Principal, President, Pastor, Superintendent (as applicable)

Retaliation
Retaliation against those who have filed a complaint or against those who have provided information during an investigation will not be tolerated. Violators of this section of the harassment policy are also subject to corrective action up to and including termination of employment.

Confidentiality
Confidentiality, for all parties involved, will be respected to the fullest extent possible without compromising the investigation. It is expected that all those involved in the investigation will keep in strict confidence all information learned or provided during the investigation. Violators of this section of the harassment policy are also subject to corrective action up to and including termination of employment.

Investigative Process
Upon receipt of a complaint from an employee, the president/principal, supervisor, and/or superintendent will promptly investigate the complaint. The Diocesan Human Resources Department will be notified, if further assistance is needed.

The investigation will include, as appropriate:

- Interview the employee bringing the complaint
- Interview the employee against whom the complaint is being brought
- Interview any witnesses to the alleged harassment or other persons who can add pertinent information to the investigation
- Gathering of any other evidence which might aid in the resolution of the complaint

Conclusion of Investigation
Once the investigation is concluded, the individual who brought the complaint will be notified of the determination of either substantiated or unsubstantiated outcome. The individual will not be notified of the exact measures taken.

If a complaint is substantiated, corrective actions, which may include remedial action such as training or disciplinary, will be taken against the employee who has violated this policy. Such action may include:

- An oral reprimand
- A written reprimand, which may include probation or final warning
- Suspension, or termination, or any other action which may be appropriate under the circumstances

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CHILD ABUSE/NEGLECT

Catholic schools in the Diocese of Wilmington must follow all applicable laws and regulations regarding child abuse and neglect.

Employees within the Catholic schools are obligated to comply with the applicable laws of both the states of Delaware and Maryland and with diocesan regulations regarding the filing of reports of alleged incidents of child abuse and neglect. In addition, all church personnel, priests, deacons, religious, paid employees, and volunteers always bear the responsibility for maintaining boundaries and clear roles of ministerial relationships.

GENERAL LAWS OF THE STATES OF DELAWARE AND MARYLAND REGARDING THE REPORT OF ALLEGED CHILD ABUSE AND/OR NEGLECT

The laws of the States of Delaware and Maryland require that any person who knows of or reasonably suspects child abuse or child neglect shall report the same promptly to the appropriate civil authority. As persons who are in contact with children within Catholic schools, through church programs, religious education classes, and youth ministry activities, employees have a particularly serious responsibility to be aware of the law and to be alert to real or potential problems. In Delaware, the report is to be filed with the Division of Family Services; in Maryland, the appropriate county office or law enforcement agency. The initial report may be made by telephone or in person. The law further provides that persons making such reports in good faith shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed with respect to making such a report.

Delaware: Report to Division of Family Services
Hotline # 1-800-292-9582

Maryland: Department of Social Services in Maryland county where allegedly abused child lives or, if different, the Maryland county where the abuse is alleged to have occurred.
Hotline # 1-800-492-0618

WHO MUST REPORT

School employees are required to sign the *Acknowledgement of Child Abuse/Neglect Reporting Responsibilities* form annually indicating that they are familiar with the responsibilities that they have for the reporting of suspected incidents of child abuse and neglect to the appropriate civil authorities. Copies of these forms are kept at the local school office in each employee's personnel file.

DELAWARE

In Delaware, any person who knows or reasonably suspects child abuse or child neglect MUST report the matter to civil authorities. Failure to report makes one liable to fine (not more than $1000) or imprisonment (not more than 15 days). The law also states that only the attorney/client privilege exempts reporting. Employees and volunteers must comply with the reporting statute.

MARYLAND

In Maryland, any employee or volunteer who has reason to believe that the child has been subjected to abuse shall notify the local Department of Social Services or the appropriate law enforcement agency and give all the information required by the law to their supervisor. Any doubts concerning serious suspicions about child abuse are to be resolved in the child's favor and are to be reported. The report should be submitted as soon as possible.

WHAT TO DO (Substance of Reporting)

If the alleged abuser is an employee of the school or parish
If the alleged abuser is a volunteer of the school or parish
If the alleged abuse occurred on school or parish property

- Any school employee or volunteer who has reasonable cause to believe that a child has been subjected to abuse or neglect by a fellow employee or volunteer shall immediately make a report of such abuse or neglect by telephone or in person to the Division of Family Services in Delaware (hotline 1-800-292-9582) or to the Department of Social Services in the Maryland county where the allegedly abused child lives or, if different, where the abuse is alleged to have taken place (hotline 1-800-492-0618). The report to the civil authority may be made by telephone or in person and should include, if known, the name and address and other identification of the suspected child abuser; the name, age, gender, whereabouts, and home address of the child; the names and address(es) of the child's parents, guardian, or other responsible person who has custody of the child; the nature of the abuse or neglect including any evidence and information of a history of abuse or neglect and any other relevant information.

- Immediately thereafter, the employee or volunteer shall promptly notify the president/principal. The president/principal must ensure the suspect has been removed from all possible contact with children. The pastor and Superintendent of Schools or designee must be provided immediate verbal notification. A *CSO Child Abuse Report Form* should be sent to the Superintendent within five days.

    - The interests of the child are paramount. Nevertheless, discretion must be exercised concerning the change of assignment or removal from duty. Due process of law, employment agreements rights, and employer-employee relations, as well as the nature of the alleged abuse, will be considered.

    - With direction from the Superintendent of Schools, the suspected employee/volunteer of the school or parish shall be removed from all duties until such time as the suspect is exonerated by the proper civil authorities.

    - Interim and future employment or volunteer activities, if any, shall take into consideration the interest of the child abused or neglected, all children, the church, the child's parents, family or guardian, the suspect and all concerned parties. This is to be done in consultation with the Superintendent of Schools, who will advise the Vicar General for Administration.

- If the report of child abuse or neglect is not made by a parent or guardian of the child, arrangements should be made, in consultation with the Superintendent of Schools, to notify the parent or guardian. Notice should not be given to the parent or guardian if he or she is the one against whom the complaint is made.

- If the alleged abuse takes place on school or church property by someone other than a parish or school employee or volunteer of the parish, the alleged abuse must still be reported to both the civil authorities and diocesan officials.

- Pastoral and psychological care of the abused child and his/her family is made available when and where appropriate. Immediate outreach and aid to victims is first priority.

- All information related to a child abuse incident in which a complaint is made against an employee should be gathered and retained in written form in a

confidential manner at the direction of the Vicar General for Administration. Files are to be entrusted solely to the care and safekeeping of the diocesan officials and are not to be retained in any other office.

ADDITIONAL DIRECTIVES – CHILD ABUSE INVOLVING SCHOOL PERSONNEL

- Any doubt about reporting an incident of child sexual abuse is to be resolved in favor of the child.

- A school employee or volunteer who is named in a child abuse case will be placed immediately on administrative leave of absence with pay while the investigation is conducted.

- If the employee is arrested and charged, a review of the facts will be made to determine if he/she should be continued on administrative leave; however, barring extraordinary circumstances, the accused will be terminated.

- The employment agreement of an employee who is convicted of a violation of criminal law will be terminated. The employee will be discharged for CAUSE as specified in the diocesan employment agreement.

- No person who is convicted of a violation of criminal law will be hired in a Catholic school.

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FOR THE SAKE OF GOD'S CHILDREN

Catholic schools in the Diocese of Wilmington require all employees to adhere to *For the Sake of God's Children* policies and procedures.

For the Sake of God's Children is the program developed by the Diocese of Wilmington in response to the *Bishops' Charter on Child Sexual Abuse*. It is a series of policies and procedures developed to ensure that all employees and volunteers in church ministry will abide by certain standards of behavior and meet certain requirements in order to work with children.

All school employees must complete a criminal background check and sign a copy of the diocesan ethical standards of behavior in order to work in a school.

All school volunteers who work with children on a regular and recurring basis in situations where they might be alone with a child are also required to complete a non-invasive criminal background check and sign a volunteer covenant which states the norms and standards of acceptable conduct.

217

SECONDARY EMPLOYMENT

Catholic schools in the Diocese of Wilmington expect all employees to uphold the expectations and requirements of his/her school position.

Catholic schools recognize that employees may have secondary employment or other commitments, such as volunteer work. It is the employee's responsibility to ensure that secondary employment or other commitments do not interfere with his or her duties to the Catholic school. Employment that is a conflict of interest or contrary to the church's mission is prohibited.

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SCHOOL HANDBOOK

Catholic schools in the Diocese of Wilmington are required to have a published school handbook for all employees.

School handbooks are to be reviewed as part of an employee orientation. Employees sign an acknowledgement and receipt annually, confirming the employee's responsibility to read and comply with the procedures outlined in the school handbook.

300

COMPENSATION

Catholic schools in the Diocese of Wilmington offer compensation to employees in compliance with the policies of the Diocese of Wilmington and all applicable state and federal laws.

301

WAGES

Catholic schools in the Diocese of Wilmington must communicate to employees, in writing, the salary or hourly wage and the manner and timing of payment.

The salaries for teachers, counselors, librarians, and nurses in parish, diocesan, and regional Catholic elementary schools, who are employed on a Diocese of Wilmington employment agreement, should align with the *Diocese of Wilmington Catholic Schools Office Teacher Salary Scale*. This salary scale is approved and published annually.

The salaries for teachers, counselors, librarians, and nurses in parish and diocesan regional Catholic secondary schools, who are employed on a Diocese of Wilmington employment agreement, should align with the respective school's teacher salary scale. These salary scales are approved and published annually.

There is a diocesan-recommended formula based on the teacher salary scales to determine administrator salaries. (Refer to *Administrator Salary Worksheet-Form C*) On a case-by-case basis, an administrator's salary is negotiated by the pastor and/or superintendent.

Each annual teacher salary scale includes pay increases for advancement in educational credentials, years of experience, and adjustments based upon economic factors within and outside the Diocese.

Religious who work as administrators, teachers, or other positions in schools receive an annual stipend for their work. This stipend is published by the Diocese annually in the *Compensation for Religious Memorandum.* Guidelines for reimbursement for housing and transportation are included in the memorandum.

Requests for pay advances are not usually honored.

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PAY PRACTICES

Catholic schools in the Diocese of Wilmington will accurately compensate employees in compliance with all applicable state and federal laws.

To ensure that all employees are paid properly and that no improper deductions are taken, all work time must be recorded correctly and paychecks reviewed promptly to identify and report all errors. Non-exempt employees must not engage in off-the-clock or unrecorded work.

Review of Pay Stub

The school makes every effort to ensure employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the school's attention, prompt correction will be made as necessary. Each employee should review his/her pay stub immediately to make sure it is correct. If an employee believes a mistake has occurred or if there is any question about deductions from pay, it should be reported following the outlined reporting procedures.

Non-Exempt Employees

If an employee is eligible for overtime pay or extra pay, he/she must maintain a record of the total hours worked each day. These hours must be accurately recorded on a time card or sheet that is provided by the school. Each employee verifies that the reported hours worked are complete and accurate (and that there is no unrecorded "off-the-clock" work). The employee's time card must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures, and meal breaks. At the end of each period, the employee should submit his/her completed time card for verification and approval. When an employee receives each pay check, he/she should verify immediately that he/she was paid correctly for all regular and overtime hours worked each workweek.

Exempt Employees

If an employee is classified as an exempt salaried employee, he/she will receive a salary which is intended to compensate for all hours worked for the school. This salary will be established at the time of hire or when an employee becomes classified as exempt. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

The employee will receive his/her full salary for any workweek in which work is performed. However, under federal law, the employee's salary is subject to certain deductions. For example, absent contrary state law requirements, an employee's salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons and/or vacation (if no bank of time is available to cover the absence – See "Note")
- Full day absences for sickness or disability, since a sick day plan is in place (if no bank of time is available to cover the absence – See "Note")
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others)
- Full or partial day absences for Family and Medical Leave
- To offset amounts received as payment for jury and witness fees or military pay
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies
- The first or last week of employment in the event the employee works less than a full week

An employee's salary may also be reduced for certain types of deductions, such as: his/her portion of health, dental, life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 403b or pension plan. In any workweek in which an employee performed work, his/her salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability
- An employee's absence due to the facility closing on a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which an employee has performed work
- Any other deductions prohibited by state or federal law

Note: An employee will be required to use accrued vacation, personal, or other forms of paid time off for full or partial day absences for personal reasons, sickness, or disability. An employee's salary will not be reduced for partial day absences if he/she does not have accrued paid time off.

Non-Exempt

An employee should not work any hours outside of his/her scheduled work day unless his/her supervisor has authorized the unscheduled work in advance. Employees should not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless he/she is authorized to do so and that time is recorded on his/her time card. Employees are prohibited from performing any "off-

the-clock work." "Off-the-clock work" means work an employee performs but fails to report on his/her time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

Reporting Procedure - All Employees

If an employee believes his/her wages have been subject to improper deductions or his/her pay does not accurately reflect all hours worked, he/she should report these concerns to his/her supervisor immediately. If a supervisor is not available or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply within three business days), he/she should contact the individual responsible for payroll. If an employee has not received a satisfactory response within five business days after reporting the concern to the individual responsible for payroll, and he/she is unsure who to contact to correct the problem, the employee should contact the diocesan Director of Human Resources.

Every report will be fully investigated and corrective action taken, up to and including discharge of any employee who violates this policy.

The Diocese of Wilmington Catholic Schools will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy is cause for disciplinary action up to and including discharge.

400

BENEFITS

Catholic schools in the Diocese of Wilmington provide a variety of benefits to eligible employees.

401

ELIGIBILITY

Catholic schools in the Diocese of Wilmington are required to provide benefits to all eligible employees.

Catholic school employees are eligible for benefits based on the following criteria:

a. Employees hired prior to July 1, 2007, must work a minimum of 19.35 hours per week or 1,000 hours per year to be eligible to participate in the diocesan benefit plan.

b. Employees hired after July 1, 2007, and before July 1, 2016, must work a minimum of 25 hours per week or 1,300 hours per year to be eligible to participate in the diocesan benefit plan.

c. Employees hired July 1, 2016, and after must work a minimum of 30 hours per week or 1, 560 hours per year to be eligible to participate in the diocesan benefit plan.

402

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Catholic schools in the Diocese of Wilmington must adhere to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

HIPAA requires that schools (and other employers) take every precaution in protecting the privacy of health records of students and staff. HIPAA prohibits the use or disclosure of "protected health information" unless the use or disclosure is in accordance with the HIPAA privacy rules.

The HIPAA rules obligate school employees to treat all health information as confidential. These records must be maintained in a separate and secure file.

If an employee or parent of a student asks for assistance in completing health forms or in sending forms related to health procedures, a signed letter of authorization must be obtained.

403

HEALTH INSURANCE

Catholic schools in the Diocese of Wilmington must offer health insurance to all eligible employees.

If an employee elects to enroll in the health insurance plan, the school will pay a defined contribution toward the cost of the monthly premium. A spouse and/or dependent may be added to the plan with the cost typically covered by the employee.

The effective date of coverage for new employees is the first day of the month following the date of employment, i.e. a teacher begins work on August 25 and his/her coverage begins September 1.

If an individual chooses not to participate in the program provided by the parish/school, he/she must sign a waiver to this effect. There is no cash compensation for waived health insurance.

Administrators, teachers, counselors, librarians, and nurses sign on for one year of health coverage. An administrator's health coverage extends July 1 through June 30. Teachers', counselors', librarians', and nurses' health coverage generally extends September 1 through August 31 (depending on the start of the school year.) For this reason, if a person terminates employment at the end of the school year, health benefits are continued through the end of August.

404

DENTAL INSURANCE

Catholic schools in the Diocese of Wilmington must offer dental insurance to all eligible employees.

If an employee elects to enroll in the dental insurance plan, the school will pay a defined contribution toward the cost of the monthly premium. A spouse and/or dependent may be added to the plan with the cost typically covered by the employee.

The effective date of coverage for new employees is the first day of the month following the date of employment, i.e. a teacher begins work on August 25 and his/her coverage begins September 1.

If an individual chooses not to participate in the program provided by the parish/school there is no cash compensation.

405

VOLUNTARY LIFE INSURANCE

Catholic schools in the Diocese of Wilmington must offer voluntary life insurance to all eligible employees.

On an annual basis, employees should have the opportunity to participate in or cancel voluntary life insurance. If an employee selects this insurance, the premium will be paid entirely by the employee.

406

LONG-TERM DISABILITY INSURANCE

Catholic schools in the Diocese of Wilmington must offer long-term disability insurance to all eligible employees.

Long-term disability insurance is designed to replace an employee's take-home pay in the event that a disability due to accident or sickness prevents an employee from earning a salary for an extended period of time.

As a benefit of long-term disability insurance, a work-life balance *Employee Assistance Program (EAP)* is provided through Unum. The EAP offers help with challenges of work and home, as well as issues involving emotional and physical well being. Services of the EAP include but are not limited to:

- Childcare and/or eldercare referrals
- Parenting
- Health information and online tools
- Addiction and recovery
- Legal consultations with licensed attorneys
- Financial planning assistance
- Stress management
- Personal relationship information

Long-term disability insurance (including the EAP) is offered at no cost to the employee.

407

VOLUNTARY SHORT-TERM DISABILITY

Catholic schools in the Diocese of Wilmington must offer voluntary short-term disability insurance to all eligible employees.

Short-term disability allows the employee to have coverage due to an accident or illness until long-term disability Insurance becomes effective.

On an annual basis, employees should have the opportunity to participate or cancel voluntary short-term disability insurance. If an employee selects this insurance, the premium will be paid entirely by the employee.

408

WORKERS' COMPENSATION

Catholic schools in the Diocese of Wilmington must comply with the Workers' Compensation laws of Delaware or Maryland.

Workers' Compensation requires an employee be compensated for lost time, medical expenses, and loss of life or dismemberment from an injury or illness arising out of the course and scope of work. These benefits are provided through insurance purchased by the Diocese.

Any medical expenses incurred by an employee as a consequence of a job-related accident will be paid directly to the health care provider by the insurer.

If an employee is unable to work due to an occupational injury, the law provides that the wages lost for the first three days are not reimbursed under Workers' Compensation. Sick time may be used to cover wages for those three days. However, if an employee continues to be disabled beyond the first three days, he/she will be paid 2/3 of his/her average weekly wage thereafter. If the disability prevents an employee from working for seven consecutive days following the date of injury, then the law requires the carrier to pay lost wages to the employee for all seven days. If the claim is approved, the appropriate amount of sick time will be credited back to the injured employee.

Employees must report all on-the-job injuries to their supervisor immediately. A 1st Report of Injury Form must be completed, and a copy sent to the Diocese of Wilmington Human Resources Office without delay. Delaware and Maryland 1st Report of Injury Forms are available online.

- https://dia.delawareworks.com/workers-comp/forms.php **for Delaware**
- http://www.wcc.state.md.us/WFMS/Med_WebForms.html **for Maryland**

Employees who return to work after an absence will be required to submit a physician's statement detailing their fitness for duty.

Extended absences for more than three calendar days from the job due to work-related illnesses or injuries are to be considered formal leaves of absences and will require a doctor's note releasing the employee to work. A workers' compensation absence may also qualify and be counted under the Family and Medical Leave Act allowance. The total cumulative leave allowance of 12 weeks will apply.

While on Workers' Compensation, all benefits continue as if a regular status employee. Insurance benefits are continued as long as the employee submits payment for the employee portion of benefit cost, if any.

The employee retains the original date of hire as his/her employment date. It is not adjusted.

In the event an employee suffers a work-related injury or illness and is temporarily unable to return to full duty, every reasonable effort will be made to return the employee to work in a modified duty position. The work offered will be based on the medical restrictions and at the employee's regular rate of pay. If the employee is on a qualified FMLA leave, the offer may be refused without jeopardizing employment status, however, the workers' compensation benefits could be affected.

409

RETIREMENT SAVINGS PLAN

Catholic schools in the Diocese of Wilmington are expected to provide all eligible employees with the ability to participate in a retirement savings plan.

At a minimum, parishes/schools should offer eligible employees the opportunity to participate in a retirement plan. Parishes/schools are strongly encouraged to offer a match to the employee contribution.

It is the responsibility of the parish/school to provide this information to all employees.

410

PROFESSIONAL DEVELOPMENT REIMBURSEMENT

Catholic schools in the Diocese of Wilmington are required to provide all eligible full-time administrators, teachers, counselors, and librarians financial assistance for professional development experiences.

Each full-time administrator, teacher, counselor, and librarian employed on a Diocese of Wilmington employment agreement is eligible to receive financial assistance in professional development up to $1500 per school year.

Schools may choose to offer financial assistance in professional development to other employees. This decision is made at the local level.

All professional development coursework and workshops for teachers, counselors, and librarians must be approved in advance by the principal and support the educational needs of the school.

All professional development coursework and workshops for administrators must be approved in advance by the pastor/superintendent or designee and support the administrative needs of the school.

411

TUITION DISCOUNT

Catholic elementary schools in the Diocese of Wilmington are required to offer tuition discounts to all eligible employees.

Full-time elementary school administrators and teachers in the Diocese of Wilmington who have children attending a diocesan, parish, or regional elementary school in the Diocese of Wilmington are entitled to a discount on each child's tuition.

Diocesan, parish, or regional full-time administrators and teachers with 1-4 years of experience teaching in a diocesan, parish, or regional school will receive a 25 percent discount to a diocesan elementary school.

Diocesan, parish, or regional full-time administrators and teachers with 5 or more years of experience teaching in a diocesan, parish, or regional school will receive a 50 percent tuition discount to a diocesan elementary school.

This discount is applied by the school in which the child(ren) is/are enrolled.

Decisions on tuition discounts at the high school level or between elementary and high schools are made at the local level.

412

PAID TIME OFF

Catholic schools in the Diocese of Wilmington are required to provide paid time off to employees using the following guidelines.

412.1 – Holidays

Full-time benefits-eligible employees are entitled to the holidays which are provided in the official school calendar (approved diocesan- or school-approved calendar). Local decisions may be made with regard to non-national holidays for 11- and 12-month staff based on the individual school's needs.

412.2 – School Closure

In the event the school must close due to weather or emergency-related situation, employees, other than essential personnel, will not be charged for the missed school day and will receive compensation at the regular rate. Employees designated by the school as essential personnel are expected to report to work.

412.3 – Vacation

Administrators employed on a *Diocese of Wilmington Administrator Employment Agreement* are entitled to four weeks of paid vacation during the 12-month employment year. Any days not taken within the employment year will be forfeited with the exception of five (5) days eligible for carryover.

Teachers employed on a *Diocese of Wilmington Full-Time Professional Employment Agreement* are paid for 190 days during the "School Year."

Teachers employed on a *Diocese of Wilmington Part-Time Professional Employment Agreement* are paid for a prorated number of days during the "School Year."

Teachers are not allotted vacation days. Those days not included in the "School Year" are considered to be vacation for the teaching staff. Teachers are to avoid planning vacations during the school year as their presence in the classroom is considered essential to the educational program and progress of the students. Administrators should be prudent in approving any faculty vacation requests.

All other employees' vacation is decided at the local level and must be communicated in writing at the time of hire. The recommendation is that the diocesan model for vacation accrual be used.

Years of Service	Number of Vacation Days
Less than 3*	10
3-9	15
10-24	20
25+	25

*Vacation is earned at a rate of 5.8 hours per month for the duration of the first year. After the first year, the entire year's allotment time is available at the start of the year.

Any days not taken within the designated employment year will be forfeited with the exception of five (5) days eligible for carryover.

412.4 – Sick Leave

Time off for sick leave is intended to be used for illness, injury, or medical appointments, procedures, and recuperation time for employee or family member. A family member is defined as spouse, child, parent, grandparent, grandchild, or sibling. It is expected that employees will accrue sick time and retain a bank of time in the event a need arises.

Administrators employed on a *Diocese of Wilmington Administrator Employment Agreement* are entitled, as health dictates, to 11 full sick days per employment year.

Within the 12-month employment year, administrators may use three of their allotted 11 sick days for personal reasons.

Teachers employed on a *Diocese of Wilmington Full-Time Professional Employment Agreement* are entitled, as health dictates, to 8 full sick days per "School Year."

Within the "School Year," full-time professional employees may use two of their allotted 8 sick days for personal reasons.

Teachers employed on a *Diocese of Wilmington Part-Time Professional Employment Agreement* are entitled, as health dictates, to a prorated number of sick days per "School Year" based on their hours/days worked. Maryland employers/employees should refer to The Maryland Healthy Working Families Act – Maryland Earned Sick and Safe Leave.

Within the "School Year," part-time professional employees may use a pro-rated number of sick days (based on their hours/days worked) for personal reasons.

All other employees' sick days are determined at the local level. Maryland employers/employees should refer to The Maryland Healthy Working Families Act – Maryland Earned Sick and Safe Leave.

Employees new to the school must complete 45 school days before a sick day may be taken for personal reasons.

Sick days are cumulative up to 90 days. No employee, at any time, will have a bank of sick days greater than 90 days.

Employees may be asked to present a physician's statement if the absence is three days or more or if it appears that one's performance is adversely affected by one's state of health. A pattern of absence or excessive absences, not covered under the Family and Medical Leave Act (FMLA), may be subject to corrective action. In these circumstances, the administrator and pastor/superintendent will determine the appropriate level of corrective action.

Absences that last longer than three or more consecutive calendar days may be eligible for FMLA. Employees and administrators are responsible to notify the Diocese of Wilmington's Human Resources Office for all absences lasting longer than three working days.

412.5– Bereavement

Employees may be granted up to three days paid time off for the death of a member of the immediate family or close relative. Documentation may be requested by the administrator or immediate supervisor.

Immediate family is defined as spouse, children, parents, siblings, and guardians. Close relative is defined as grandparents, spouse's parents, aunts, uncles, nieces, nephews, brothers-in-law, sisters-in-law.

In certain circumstances additional days may be granted by the school administration.

412.6 – Jury Duty

In accordance with Federal and State law, schools permit employees to be absent with pay for minimum time required in compliance with a subpoena, order of any Federal or State court, or to fulfill the requirement to serve as a juror in the following instances:

If summoned for jury duty and if also empaneled for actual service as a juror, an employee will be paid by the school the amount of the employee's average regular daily pay. As a condition of payment, the employee will be required to provide written statement from the Court's Administrator attesting to the employee's jury service and the dates of such service. The employee shall provide this statement to be submitted promptly to his/her administrator within the normal payroll period. The employee shall promptly advise his/her administrator of receipt of summons to report for jury duty and report daily of his/her availability to report to the place of work.

412.7 – Court Witness

An employee served with a subpoena and required to attend a session of any Court and to give testimony in person or by deposition may be absent from his/her workplace for the minimum required time of service to the court without loss of pay provided the following conditions are promptly met:

- An employee presents a copy of the subpoena or other judicial document to his/her administrator as soon as received
- An employee is not a party to the civil action nor a defendant or a respondent in a criminal or domestic action
- An employee actually testifies, deposes, or is unable to be excused by the Court

In the event the employee cannot meet all of the forgoing contingencies, the employee shall not be entitled to payment of the time of absence unless the employee has accrued vacation or personal days.

412.8 – Military Leave

The Diocese of Wilmington will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

During military duty, the employee will be paid the difference between school salary and the military salary, if salary paid by the school is higher. A statement from the military showing the rate of compensation paid must be presented to the administrator.

In time of emergency, when military units are activated by the government, employees will be released for duty with no loss of benefits and salary adjustments as described above.

412.9 – Deduction for Unpaid Time Off

Teachers employed on a *Diocese of Wilmington Full-Time Professional Employment Agreement* are employed for 190 days per "School Year."

When it is necessary to deduct for full-time teacher days taken in excess of the number of days allotted or accrued, the following calculation should be utilized:

- The annual salary is divided by 190 in order to arrive at a daily rate of pay. The daily rate of pay is deducted from the salary for each day required to cover the absence.

Teachers employed on a *Diocese of Wilmington Part-Time Professional Employment Agreement* are employed for a variant number of days per "School Year."

When it is necessary to deduct for part-time teacher days taken in excess of the number of days allotted or accrued, the following calculation should be utilized:

- The annual salary is divided by the number of days the part-time teacher is employed for the school year in order to arrive at a daily rate of pay. The daily rate of pay is deducted from the salary for each day required to cover the absence.

For administrators and other employees, a local determination of the number of days scheduled to work will be needed in order to carry out the calculation.

413

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Catholic schools in the Diocese of Wilmington must comply with the regulations of the Family and Medical Leave Act (FMLA) as revised effective February 15, 2013.

Schools are required to post the mandatory FMLA Notice and, upon hire, provide all new employees with a general description of their FMLA rights.

Under this policy, schools will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified by this policy.

To be eligible for the FMLA benefits, an employee must:

- Have worked for the school for a total of at least 12 months and
- Have worked at least 1,250 hours over the previous 12 months

The school will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- For the birth and care of a newborn child of an employee
- For placement with the employee of a son or daughter for adoption or foster care
- To care for an immediate family member (spouse, child, parent) with a serious health condition, or
- To take medical leave when an employee is unable to work because of a serious health condition, or
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency.
- Military Caregiver Leave - Qualifying employees are eligible for 26 workweeks of unpaid leave during a single 12-month period to care for a spouse, son, daughter, or next of kin who is a member of the Armed Services or National Guard, who is undergoing medical treatment, recuperation or therapy, who is otherwise in outpatient status, or on temporary disability for serious injury or illness incurred in the line of duty while on active duty. The 12-month period for leave to care for a covered service member with a serious injury begins on the

first day of leave and ends 12 months later. An employee is limited to combined total of 26 workweeks of unpaid leave for any qualifying reason during the 12-month period. Only 12 of 26 weeks total may be for a qualifying reason other than to care for a covered service member.

Definitions

"Family members" are limited to the employee's spouse, son, daughter, or parent as defined below.

A "son or daughter" is understood to be a biological, adopted, or foster child, stepchild, legal ward or child of a person standing in loco parentis – any individual who has acted as a caretaker or parent – who is under the age of 18 or age 18 or older but "incapable of self-care because of a mental or physical disability" at the time that FMLA is to commence.

A "spouse" is a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides including common law marriages in States where it is recognized.

The term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis – any individual who acted as a caretaker or parent – to the employee when the employee was a "son or daughter." This term does not include parents "in-law."

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility and subsequent treatment in connection with such inpatient care, or
- Any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuous treatment by or under the supervision of a health care provider, or
- Continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days and for prenatal and maternity care.

"Health care provider" means:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the State in which the doctor practices in, or

- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulations of the spine to correct subluxation as demonstrated by x-ray to exist) authorized to practice, and performing within the scope of their practice under State law, or
- Nurse practitioners and nurse-midwives authorized to practice, and performing within the scope of their practice, as defined under State law, or
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA

Procedures for Requesting FMLA Leave

All employees requesting FMLA leave must provide a completed, signed FMLA Leave Request Form to the Diocese of Wilmington Human Resources Office. Within five business days after the employee has provided this notice, Human Resources will provide the employee with a Notice of Eligibility and Rights.

When the Diocese has enough information to determine that leave is being taken for a FMLA qualifying reason, Human Resources will notify the employee, business manager, and president/principal that the leave is designated and will be counted as FMLA leave.

Employee Responsibilities

Whenever possible, the employee should request leave at least 30 days before the start of the need for leave by notifying the school or the Diocese of Wilmington Human Resources Office. In cases of emergency, the employee should request leave as soon as practicable after he/she knows he/she needs to take leave.

If an employee requests FMLA, the request must be supported by an appropriate medical certification in order to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

During the leave, the employee will be required to report periodically to his/her administrator and Human Resources, but not more frequently than 30 days, of his/her status and intent to return to work.

Spouses employed by the school are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent “in-law”) who has a serious health condition.

Under some circumstances, employees may take the FMLA leave intermittently – which means taking the leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If the FMLA leave is for the birth or placement for adoption or foster care, use of the intermittent leave is subject to diocesan approval.
- The FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

Certification for Serious Health Conditions

The Diocese of Wilmington Human Resources Office will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in denial of continuation of leave.

Human Resources may directly contact the health care provider for verification or for clarification purposes using an HR professional. Before the Diocese makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification.

Human Resources has the right to ask for a second opinion if it has reason to doubt the certification. The Diocese may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the Diocese will require the opinion of a third doctor. The Diocese and the employee will mutually select the third doctor.

Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal, and sick leave prior to being eligible for unpaid leave. Sick and vacation leave will run concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's own serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

An employee who is using military FMLA leave for a qualifying exigency must use all accrued paid leave prior to being eligible for unpaid leave. An employee using FMLA

military caregiver leave must also use all accrued paid leave time prior to being eligible for unpaid leave.

In all cases, no additional paid leave will be accrued while an employee is on FMLA.

Continuation of Benefits during Leave

While an employee is on an approved FMLA leave, the school will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued work.

In some cases, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received at the school by the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his/her portion of the premiums in person or by mail. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

Employee Status after Leave

An employee who takes leave under this policy for his/her own serious health condition MUST provide a fitness for duty clearance from the health care provider. This requirement will be included in Human Resources' response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The school may choose to exempt certain employees from this requirement and not return them to the same or similar position.

414

OTHER UNPAID LEAVE

Catholic schools in the Diocese of Wilmington may grant unpaid leave for other extreme circumstances.

For serious reasons, and with the agreement of the principal and, if applicable, the pastor, the school may grant a leave of absence of up to one year (inclusive of all other types of leaves.) In order to qualify for such a leave, an employee must have worked at the school for a minimum of three years and met the eligibility requirements listed in Policy 401. During the time of leave no salary is paid and no sick time is accumulated.

The request for leave must be in writing to the principal and the response will be provided in writing.

500

JOB PERFORMANCE

Catholic schools in the Diocese of Wilmington expect employees to perform at a level that meets or exceeds the standards for their respective positions.

501

PERFORMANCE EXPECTATIONS

Catholic schools in the Diocese of Wilmington require administrators and employees to discuss performance expectations, commendations, and recommendations on an ongoing basis.

The Diocese of Wilmington believes that employees perform at their best when expectations are clearly defined, feedback regarding their performance is offered regularly, and opportunities are provided to discuss job-related concerns.

Administrators are required to clearly communicate to each employee, in verbal and written form, specific job expectations, performance requirements and standards, and diocesan and school policies. It is the responsibility of the employee to understand and adhere to all expectations and policies.

502

ANNUAL EVALUATIONS/PERFORMANCE APPRAISALS

Catholic schools in the Diocese of Wilmington require an annual evaluation or performance appraisal of each employee.

All employees on a diocesan employment agreement receive an annual evaluation, in accordance with the Catholic Schools Office evaluation process. All other employees receive an annual performance appraisal. The respective evaluation/appraisal instrument must be provided to each employee at the start of each employment year.

502.1 – President

A president receives an annual summative evaluation. This evaluation is:

- based upon the performance of responsibilities as outlined in the diocesan job description for a school president and progress in meeting annual goals
- conducted by the president's immediate supervisor
- completed in written form (format to be determined by the supervisor)
- signed by the president and supervisor

502.2 – Principal

A principal receives a summative evaluation in accordance with the diocesan principal evaluation process. This evaluation is:

- based upon adherence to the *Professional Standards for Catholic School Principals*, performance of responsibilities as outlined in the principal's job description, and progress in meeting annual goals
- completed using the diocesan standardized summative evaluation form for principals
- signed by the principal and superintendent or designee

502.3 – Assistant Principal/Other Administrator/Director

Assistant principals, other administrators, and directors receive an annual summative evaluation or performance appraisal, as applicable. This evaluation/appraisal is:

- based upon the performance of responsibilities as outlined in the job description for the respective position, the *CSO Appraisal Guidelines*, and progress in meeting annual goals
- conducted by the immediate supervisor of the assistant principal/other administrator/director
- completed in written form (format to be determined by the supervisor)

- signed by the assistant principal/other administrator/director and supervisor

502.4 – Teacher

A teacher receives an annual summative evaluation. This evaluation is:

- based upon adherence to the *Professional Standards for Catholic School Educators,* inclusive of the outcome of formal, informal, and beyond-the-classroom observations, and progress in meeting annual goals
- conducted by the school administrator(s)
- completed using the diocesan standardized *Summative Evaluation* form for teachers
- signed by the teacher and principal

502.5 – Counselor

A counselor receives an annual summative evaluation. This evaluation is:

- based upon adherence to the Professional Standards for Catholic School Counselors, performance of responsibilities as outlined in the job description for a school counselor, and progress in meeting annual goals
- conducted by the school administrator(s)
- completed in writing, using the diocesan standardized summative evaluation form for counselors
- signed by the counselor and principal

502.6 – Nurse

A nurse receives an annual summative evaluation. This evaluation is:

- based upon adherence to the Professional Standards for Catholic School Nurses, performance of responsibilities as outlined in the job description for a school nurse, and progress in meeting annual goals
- conducted by the school administrator(s) with input from the diocesan lead nurse
- completed in writing, using the diocesan standardized summative evaluation form for nurses
- signed by the nurse, diocesan lead nurse, and principal

502.7 – Other

All other employees receive annual performance appraisals. This appraisal is:

- based upon the performance of responsibilities as outlined in the job description for the respective position, the *CSO Appraisal Guidelines*, and progress in meeting annual goals
- conducted by the employee's immediate supervisor
- completed in written form (format to be determined by the supervisor)
- signed by the employee and supervisor

503

CORRECTIVE ACTION

Catholic schools in the Diocese of Wilmington give employees reasonable opportunity to improve their performance or professional behavior. When performance or professional behavior falls below an acceptable level, corrective action may be imposed.

Administrators*/supervisors are expected to regularly communicate with employees regarding work and performance expectations. This may include a consultation with an employee when a specific performance or professional behavior issue is identified, in order to provide direction for necessary and successful correction. Many employee performance and professional behavior issues can be resolved without formal corrective action.

* Principal, President, Pastor, Associate Superintendent, Superintendent (as applicable)

EVALUATING THE NEED FOR CORRECTIVE ACTION

An administrator must begin the evaluation process as soon as he/she becomes aware of unsatisfactory job performance or unacceptable professional behavior.

The evaluation process requires an administrator to:

- Identify, clearly define, and document the concern, noting the source(s) of the information
- Gather and document the facts and evidence (the employee is typically involved in this process)
- Examine, analyze, and consider all findings, including but not limited to:
    - facts vs. supposition
    - seriousness of the issue
    - employee's knowledge of the rule or expectation
    - all perspectives
    - sufficient evidence to prove the issue
    - previous issues and corrective steps taken with this employee
    - issues of the same nature, and actions taken, with another employee
- Determine the need for corrective action

The evaluation of the need for corrective action, as well as the corrective action determined, must be fair, consistent, and confidential. An administrator may never:

- base corrective action on rumor or opinion
- act out of emotion
- discuss an employee's corrective action with others, without a business reason
- force an employee to remain in a meeting

CORRECTIVE ACTION PROCESS

Although employment is at-will, when it is determined that formal corrective action is necessary to address an employee's performance/professional behavior issue, administrators are expected to apply the following progressive discipline procedure:

Oral Warning – The first notification of a specific issue may be oral.

- An oral warning should be delivered as soon as possible after the occurrence which initiated the corrective action.
- Documentation of the oral warning should include:
    - date of the warning
    - specific performance/professional behavior issue that resulted in the warning
    - date of the incident, if applicable
    - specific goal/expectation to be met
    - consequence(s) if goal/expectation is not met or additional performance or professional behavior issues occur
- All documentation is placed in the employee's local personnel file.
- An employee must be made aware of the documented oral warning and may request a copy.

Written Warning – When acceptable progress toward meeting the goal/expectation has not been observed, a written warning is generally the next step in the corrective action process. In the case of serious performance/professional behavior issues, a written warning may become the first step in the corrective action process.

- Documentation of the written warning must include:
    - date of the warning
    - specific performance/professional behavior issue that resulted in the warning
    - date of the incident, if applicable
    - specific goal/expectation to be met and how/when the goal/expectation will be assessed
    - consequence(s) if goal/expectation is not met or additional performance or professional behavior issues occur

    - the signatures of the administrator and employee (if the employee refuses to sign the written probation document, this must be noted on the document by the administrator)
- A copy of the written warning is given to the employee and all documentation is placed in the employee's local personnel file.
- The written warning may be shared with the pastor/superintendent, or diocesan Director of Human Resources/Vicar General, as applicable.

Refer to *SAMPLE Written Warning Memorandum*

Probation – Probation is generally the next step in the corrective action process if an issue is not serious enough to warrant suspension or termination, or if progressive corrective action has not been successful.

- Probation is not normally greater than 90 calendar days.
- Documentation of the probation must include:
    - date of the warning
    - dates of the probationary period
    - specific performance/professional behavior issue that resulted in the warning
    - date of the incident, if applicable
    - specific goal/expectation to be met and how/when the goal/expectation will be assessed
    - consequence(s) if goal/expectation is not met or additional performance or professional behavior issues occur
    - the signatures of the administrator and employee (if the employee refuses to sign the written warning, this must be noted on the document by the administrator)
- A copy of the probationary memorandum is given to the employee and all documentation is placed in the employee's local personnel file.
- The probationary status must be shared with the pastor/superintendent or diocesan Director of Human Resources/Vicar General, as applicable.
- At any point during probation, if the employee is not improving or commits another offense, additional corrective action may be taken, up to and including termination of employment.
- If a leave is authorized for more than one week during probation, the probation will be adjusted by that length of time.
- Transfer of an employee on probation must receive prior approval from the Catholic Schools Office.

Refer to *SAMPLE Probation Memorandum.*

Administrators/supervisors are encouraged to meet regularly with an employee during the corrective action period and to discuss and document the employee's progress or lack of progress toward improvement or correction of the stated issue(s).

IMMEDIATE TERMINATION OF EMPLOYMENT

There may be reasons for immediate termination of employment, in which case the above steps may not be followed. Reasons for immediate termination include but are not limited to:

- Failure to carry out any of the responsibilities encompassed by the employment agreement or material neglect of employee's job duties
- Unprofessional or unethical conduct, insubordination, unauthorized disclosure of confidential information, or habitual or unreasonable tardiness or absences from duties
- Inappropriate physical or social contact with students during school or otherwise
- Any criminal, immoral, or unethical conduct, or any conduct that is contradictory to the standards and religious tenets of the Diocese of Wilmington or the Roman Catholic Church, or any conduct that brings discredit or public embarrassment upon the employee, his/her students, the employing pastor/superintendent, or school/parish/diocese
- Unauthorized possession of, or working under the influence of, controlled substances (except provided by a medical prescription), intoxicants, or alcohol
- Threatening or causing bodily harm to others or other coercive and/or intimidating acts, or any verbal or physical harassment, or noted inability to deal amicably with students, parents, faculty, administration, or parish staff
- Having a diploma, credential, permit, license or certificate denied, revoked, or suspended
- Falsification of documents, such as providing false or misleading information on a job application, resume, personnel record, professional or character reference, academic transcript, degree or credentials
- Any breach of the terms of the individual's employment agreement

In the event an employee is immediately terminated from employment, the employer shall advise the employee in writing of termination of employment and the specific reason(s) and element(s) of the cause for dismissal. (Refer to *SAMPLE Termination Letter*.)

In the case of termination the employee shall have the right to initiate the grievance process.

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GRIEVANCES

Catholic schools in the Diocese of Wilmington must follow the grievance process as outlined by the Catholic Schools Office.

A grievance is a complaint that there has been a violation, misinterpretation, misapplication, or improper application of any provision of the personnel policies or other rules, agreements, or standards that impact the work environment.

INFORMAL RESOLUTION TO GRIEVANCE

Parties to a disagreement are strongly encouraged to meet and make a sincere and determined effort to settle all alleged grievances on a voluntary and informal basis at the local level. An employee who wishes to express a grievance should request a meeting with the immediate supervisor or next level of administration (if the grievance is with the immediate supervisor) to discuss the grievance.

FORMAL GRIEVANCE PROCESS

In the event the parties involved in a grievance are unable to resolve it in an informal manner, the formal grievance process may be initiated.

- The employee having the grievance which has not been satisfactorily resolved informally will place the concerns in writing to the administrator*****. In a parish school the grievance must also be sent to the pastor. In a diocesan school, the grievance must also be sent to the associate superintendent. Letters must be sent certified mail or hand delivered to all parties within 15 workdays after the informal discussion. If the letter is hand delivered, the written document is to be date stamped upon receipt.

- Within 10 workdays of receiving the written grievance, the administrator***** will arrange a formal meeting to discuss the matter. The pastor/associate superintendent should be in attendance at this meeting.

- Within six workdays after the formal grievance meeting, the employee will receive a written response from the administrator*****. The pastor/associate superintendent should be copied on the written response. The response must be sent certified mail or hand delivered. If the response is hand delivered, the employee will initial and date the response upon receipt.

- In the event the response from the administrator* does not resolve the grievance, the employee may appeal to the Superintendent of Schools. Appeals must be in writing and sent certified mail to the superintendent within six workdays of receiving the principal/president response. The Director of Human Resources at the Diocese of Wilmington should be copied on the written appeal.

- The superintendent will meet with the employee and, if necessary, other parties, at a mutually agreed upon date and time to discuss the grievance and determine if further action is warranted. A written decision will be sent certified mail or hand delivered to the employee. If the response is hand delivered, the employee will initial and date the response upon receipt.

- Within six days of receiving the decision of the superintendent, any party may request by certified mail an appeal to the Moderator of the Curia.

*Principal, President, Pastor, Associate Superintendent (as applicable)

In the event of the failure of any party to comply with the time limitations provided in this policy, the grievance shall be deemed to have been withdrawn, affirmatively accepted, or approved, as the case may be. The time limitation may be extended by mutual written agreement of the parties.

505

LEAVING EMPLOYMENT

Catholic schools in the Diocese of Wilmington must adhere to set policies regarding the discontinuation of employment.

An employee's termination of employment with a Catholic school may occur as a result of his/her own decision, staff reduction, reorganization, non-extension of continued employment, or dismissal for cause. Catholic schools do not extend or recognize tenure for any employee. All employment is at-will.

505.1 – Resignation

If an employee intends to resign, he/she must notify the immediate supervisor in writing of the intent to terminate employment and a specified date of termination. Unless other arrangements have been stipulated at the time of employment, all exempt employees should provide 30 days' notice before termination. Non-exempt employees are required to provide a minimum of two weeks' notice.

505.2 – Reduction in Force/Reorganization

Under certain conditions related to financial resources or reorganization, it may be necessary to reduce the existing employee workforce. If this need occurs, a rubric approved by the Catholic Schools Office will be used in determining employee retention. (Refer to *SAMPLE Reduction in Force Rubric*.)

If an administrator anticipates a reduction in force due to a change in staffing/program or decline in enrollment, all faculty and staff must be notified in writing by March 31. Final decisions on continued employment must be communicated to employees verbally and in writing by May 15.

505.3 – Non-extension of Continued Employment

The employer has no obligation, express or implied, to extend or renew an employment agreement or to continue to adhere to an employment agreement beyond its term.

- Presidents/principals not being offered continued employment must be notified verbally AND in writing by February 28.
- All other employees on a diocesan employment agreement not being offered continued employment must be notified verbally AND in writing by March 31.

505.4 – Insurance Benefits

An employee, whether he/she voluntarily resigns or is released, will continue to receive health benefits in accordance with the following diocesan schedule:

Separation Date	Benefits Discontinued
1st – 15th of the month	Last day of the current month
16th – 31st of the month	Last day of the following month

There are two exceptions to this schedule:

- A teacher who fulfills the term of his/her employment agreement and chooses to resign at the close of the school year OR is released from employment due to a reduction in force will continue to receive health benefits through August 31, unless coverage is available to him/her immediately under his/her new employer.

- An administrator who fulfills the term of his/her employment agreement and chooses to resign at the close of the school year OR who is released from employment due to a reduction in force will continue to receive health benefits through June 30.

505.5 – Sick Time

Accrued sick time is not paid out under any circumstance.

505.6 – Vacation

Unused vacation time will be paid out to the employee at 50% of the cash value. The exception to this is when an employee is retiring. Vacation is paid out at 100% for retirement. Under no circumstances may vacation be used in lieu of working the last week of a resignation or retirement.

Teachers do not accrue vacation time as they are not allotted vacation days during the school year.

505.7 – Exit Interview

It is recommended that the principal conduct an exit interview with each person who is leaving employment. Procedures should be developed by each school to ensure the return of school keys and other essential school materials/property.

Principal/president exit interviews will be conducted by the pastor for a parish school and the superintendent for a diocesan school.

Diocese of Wilmington Catholic Schools Office School Personnel Handbook Acknowledgement Form

I have read and understand the content of the *Diocese of Wilmington Catholic Schools Office School Personnel Handbook.*

The Catholic Schools Office reserves the right to make changes and adjustments to these policies and guidelines, as deemed necessary; all changes will be posted to the CSO Intranet.

I voluntarily agree to abide by these policies, including any changes/adjustments posted on the CSO Intranet, and conduct myself in complete accordance with them.

_____

Name of School Employee School

_____

Signature of School Employee Date