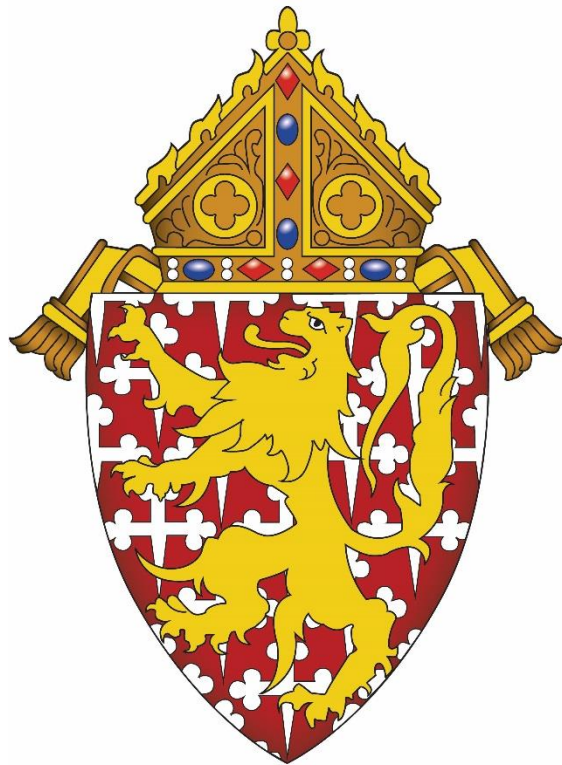


***Diocese of Wilmington
Catholic Schools Office***



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.



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

Our Core Values



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.*



NON-DISCRIMINATION

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.

Employment

Opportunity for employment is open to any person who can provide satisfactory evidence of proper qualifications and whose performance demonstrates required competencies. No person will be discriminated against in employment because of race, color, religion, sex, pregnancy, sexual orientation, genetic information, national origin, age, mental or physical impairment or disability, veteran, employment or marital status; or who experience domestic or dating violence, sexual assaults, or stalking in accordance with applicable laws. The Diocese retains its rights to make employment decisions considering its religious beliefs and practices in accord with the teachings and laws of the Catholic Church.

Religion is a *bona fide* occupational qualification in some circumstances. Certain positions may require an individual to be a Catholic in good standing (able to and does participate in the sacramental life of the Church). Additionally, Ordination to Holy Orders in the Roman Catholic Church or membership in a religious community may be a *bona fide* qualifier for a specific position. The determination of the positions requiring religion as a qualifier will be made by the Bishop or his delegate.

Diversity, Equity, and Inclusion

The Diocese of Wilmington acknowledges the inherent dignity of each person regardless of race, faith, gender, sexual orientation, socio-economic status or background. We believe in being compassionate to all individuals who come through our doors. These Gospel Values inform our calling to create a culture of inclusion and belonging.

This policy must be published in each school's employee handbook.



ADA REQUESTS FOR ACCOMMODATION

Catholic schools in the Diocese of Wilmington are committed to the fair and equal employment of individuals with disabilities under the American with Disabilities Act (ADA).

In accordance with the ADA, the Catholic schools in the Diocese of Wilmington will provide reasonable accommodations to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment.

An employee with a disability may request an accommodation from the employer and engage in an informal process to clarify what the employee needs and to identify possible accommodations. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

The Diocese prohibits harassment or discrimination based on disability or because an employee has requested reasonable accommodations. The Diocese prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should report any harassment, discrimination, or retaliation they have experienced or witnessed to a supervisor.

Supervisors who have been notified of a report of harassment, discrimination, or retaliation must contact the diocesan Human Resources Office, immediately.



NEPOTISM

Catholic schools in the Diocese of Wilmington may not practice nepotism. Immediate family members, or close relatives, may not work in a direct supervisory relationship. Further, employment of immediate family members may not pose difficulties for supervision, security, safety, or morale.

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.



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.”



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.



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, staff, and maintenance 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 based on FLSA status:

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 paid on a salary basis and are not eligible to receive overtime pay for overtime hours worked. 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. They are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked. Overtime pay should be 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*.



IDENTIFYING A QUALIFIED CANDIDATE

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

Each diocesan and parish school must, at a minimum, post teacher openings internally. Openings must be posted for a minimum of 10 business days. An internal posting is one that notifies the local school employees of the opening. When a position is open, consideration will be given to current qualified employees whose performance demonstrates required competencies. This does not constitute a job offer. Each school should have and follow a written process for hiring new teachers.

Diocesan and parish school openings for president, principal, and vice-/assistant principal must be posted both internally and externally for a minimum of 10 business days. An internal posting is one that notifies both the local school employees and diocesan school administrators of the opening. An external posting is one that notifies the public via multiple sites which typically include, but are not limited to, the Diocese of Wilmington website, NCEA website, Catholicjobs.com, The Dialog (online advertising) and other neighboring (arch)diocesan publications. For the position of president and principal, each parish and diocesan school must follow the Diocese of Wilmington Catholic Schools Office President/Principal Hiring Processes. Processes are tailored to the specific supervisory model of the school.

The positions of president, principal, vice-/assistant principal, campus minister, 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.

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.



CONSIDERING A CANDIDATE FOR INTERVIEW

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

****Any candidate who does not meet the diocesan minimum qualifications must be approved by the Pastor, Superintendent, or Board Chair (based on the specific supervisory model of the school) before an offer of employment may be made.***

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
- Hold or be eligible for Delaware or Maryland licensing/certification (Catholic Theology or Ministry degree is exempt from this requirement)
- Have a minimum of five years teaching experience (Catholic school experience as a teacher/administrator preferred)

108.3 – Vice-/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 vice-/assistant principal (advanced degree preferred)



- Hold or be eligible for Delaware or Maryland licensing/certification (Catholic Theology or Ministry degree is exempt from this requirement)
- Have a minimum of five years teaching experience (Catholic school experience and administrator experience preferred)

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)
- Hold or be eligible for Delaware or Maryland licensing/certification (Catholic Theology or Ministry degree is exempt from this requirement), if applicable
- Have a minimum of three years of 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
- Live as a practicing Catholic (for any teacher teaching religion)
- 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
- Hold or be eligible for diocesan-approved licensing/certification
- Delaware PreK Teachers Only
 - Submit a diocesan employment application and/or cover letter and resume to the principal
 - Hold a minimum of an associate's degree (bachelor's preferred) in an area of study that supports the role/responsibilities of the teacher
 - Hold or be eligible for Delaware Early Childhood Educator 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

Exceptions

Any candidate who does not meet the diocesan minimum qualifications must be approved by the Pastor, Superintendent, or Board Chair (based on the specific supervisory model of the school) before an offer of employment may be made.

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.



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, as designated in Policy 115, 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 certificate from the Office for Safe Environments
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- TB test results
- I-9 form

109.2 – Principal

- Diocesan employment application
- Cover letter and resume
- Official transcript(s) – Master’s degree minimum
- Criminal background clearance certificate from the Office for Safe Environments
- 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
- 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 certificate from the Office for Safe Environments
- 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
- I-9 form

109.4 – Teacher

- Diocesan employment application
- Cover letter and resume
- Official transcript(s)
- Criminal background clearance certificate from the Office for Safe Environments
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- Teacher license/certificate, as approved by the Diocese of Wilmington
- TB test results
- I-9 form

109.5 – Counselor

- Diocesan employment application
- Cover letter and resume
- Official transcript(s)
- Criminal background clearance certificate from the Office for Safe Environments
- 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
- I-9 form

109.6 – Nurse

- Diocesan employment application
- Cover letter and resume
- Official transcript(s)
- Criminal background clearance certificate from the Office for Safe Environments
- 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
- 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 certificate from the Office for Safe Environments
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- TB test results
- 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 certificate from the Office for Safe Environments
- Three letters of recommendation and/or documented telephone reference checks (one from most recent employer)
- TB test results
- 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.



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.

**** Any candidate who does not meet the diocesan minimum qualifications must be approved by the Pastor, Superintendent, or Board Chair (based on the specific supervisory model of the school) before an offer of employment may be made. If an approved offer of employment is made a Qualification Exception Approval Form must be attached to the written offer of employment.***

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 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



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 first 90 days of employment is a reasonable period of time in which to determine if the employer/employee relationship is beneficial to both parties. This time period is considered an extension of the selection process. At the conclusion of the 90-day period an overall evaluation and discussion of the employee's performance will be conducted. Confirmation of the 90-day assessment must be submitted to the Catholic Schools Office within one week of the conclusion of the Introductory Period.

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.

For the Sake of God's Children Videos - As a condition of employment, within the introductory period, each new employee must view the required Safe Environments videos. The videos are found on the Diocese of Wilmington's website www.cdow.org and may be viewed by clicking the *For the Sake of God's Children* link. Once all videos are viewed, the employee must register for his/her clearance with the Office for Safe Environments by clicking the link at the bottom of the page.

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.



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
- Child Abuse/Neglect Reporting Responsibilities
- Ethical Standards for Employees
- Confidentiality Statements/Agreements
- Acceptable Use of Technology Agreements
- Catechetical Certification (if applicable)
- Licensing/Certification and Mentoring Requirements (if applicable)
- CSO Intranet (if applicable)

The Catholic Schools Office of the Diocese of Wilmington provides an orientation for new administrators.



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 February 1. 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 February 1. 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 (lay or religious) are required to sign a letter of intent indicating their desire to continue employment at the school by March 15.

All other school employees (lay or religious) 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 April 15.*

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

A Memorandum of Understanding for Religious for continued employment will be offered or not offered according to the same guidelines as teachers and staff. The principal is responsible to communicate with the superintendent and Religious Community involved before any action is taken with the religious teacher or staff member.

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.

Administrators, teachers, and staff may apply for positions in other Catholic schools in the Diocese. Positions are posted on the diocesan employment page at www.cdowschools.org. Diocesan protocols for consideration are found in Policy 114.



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. An exception may be made if a mutual agreement is determined between the current school administrator and the hiring school administrator.

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 and I-9 form.



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 one separate 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
 - New Teacher Report
 - Diocesan Catholic Schools Office Employment Application
 - Resume and Cover Letter
 - Official Transcript(s) sent directly from the college/university to the Personnel Coordinator at the Catholic Schools Office (electronic official transcripts are accepted)
 - Teacher license/certificate, as approved by the Diocese of Wilmington
 - Insurance Certificate (Nurses Only)
 - CPR Certification (Nurses Only)
- Annual Documents
 - **Original** Employment Agreements
 - **Original** Summative Evaluations or Summative Evaluation Exemption Forms
 - **Original** Absentee Reports
 - **Original** *Diocese of Wilmington Catholic Schools Office School Personnel Handbook Acknowledgement Forms*
- Licensing/Certification Renewals
- Termination Report (when applicable)



Local Personnel File – Maintained by the Principal or Business Manager

- **Copies of Employment Application Documents**
 - Diocesan Catholic Schools Office Employment Application (for employees who receive a Diocesan Employment Agreement) or local application, if applicable
 - Resume and Cover Letter
 - Transcript(s)
 - Teacher license/certificate, as approved by the Diocese of Wilmington
 - Insurance Certificate (Nurses Only)
 - CPR Certification (Nurses Only)
- Criminal Background Clearance Certificate from the Office for Safe Environments
- 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 – These documents are signed annually, and copies are maintained in the local personnel file.
 - 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)

Payroll File – Maintained by the Business Manager

- Copy of Application (Diocesan or Local), as applicable
- Copy of Resume
- Copy of Employment Agreement(s)
- W-4 - Employee Withholding Allowance Certificate
- Direct Deposit Information
- Any Name, Address, Tax Status Changes
- Any Payroll Changes



Supervisory File – Maintained by the School Administrator

Required:

- **Original** letters of recommendation and/or documented telephone reference checks
- Observation Documents, as required
- Record of Absences including designation (i.e. sick, bereavement, personal, etc.)
- Employee Emergency Contact Information

Medical Personnel File – Maintained by the School Nurse

- Any employee-shared medical information provided by a medical professional including initial TB Test and ongoing TB Risk Assessment results
 - Copies of prescriptions, including medical marijuana, should NOT be requested nor kept on file
- FMLA designation notice from the Diocese of Wilmington Benefits Specialist, if applicable - Original documentation maintained by Diocese of Wilmington Human Resources Office

I-9 File – Maintained by the Business Manager in a SEPARATE file

- Employee I-9 Forms (ALL I-9 forms are maintained together in ONE secure file)

The immediate supervisor, and those in the chain of command, or with a bona fide need to obtain information, may have access on a need-to-know basis. Employees may inspect their own personnel file, and may copy them, but may not remove documentation from their file.

Inspections by employees must be requested in writing to the president or principal and will be scheduled at a mutually convenient time or as required by law. Personnel files are to be reviewed at the school/parish. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

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 and I-9 form.

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



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 (preferably within five years) and/or 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.

If an administrator, teacher, or staff member is being hired from another Catholic school within the Diocese of Wilmington, the president/principal must engage in a documented conversation with the candidate's current administrator.

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



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.



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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.*



EMPLOYEE CONDUCT: CORE VALUES AND ETHICAL STANDARDS

Catholic schools in the Diocese of Wilmington require all employees to act as ambassadors for the Diocese and its entities, including behavior as advocates, influencers, and energizers. Employees act as ambassadors by demonstrating their commitment to the organization, stakeholders, and Core Values (Respect-Integrity-Accountability-Trust-Service). Employees are ambassadors in their workplace, peer group, social settings, inter-organizational exchanges, promotional gatherings, events, etc. Employees must be engaged, committed and connected, and demonstrate these qualities.

The Ethical Standards as expressed by the Diocese of Wilmington provide clear guidance for the conduct of employees. It is within the context of respect and integrity that employees in the Diocese work together in mission and ministry. Each school year, employees are expected to review the Core Values and Ethical Standards documents.



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 and obtain clearance through the Office for Safe Environments.

Background checks must be renewed every five years through InfoRetrieval Services. Employees are required to self-report any arrests and/or convictions occurring outside of the 5-year renewal to the diocesan Director of Safe Environments.

The Office for Safe Environments provides a monthly clearance report to each school/parish. Each school/parish must designate a Safe Environment Compliance Coordinator responsible for tracking and maintaining background clearances for all employees in his/her school/parish. A copy of the employee's criminal background clearance certificate, provided by the Office for Safe Environments, is kept in the employee's local personnel file. Criminal background check results should never be sent directly to the school/parish from the law enforcement agency, nor should a copy be presented by the employee.



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 and board members 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.



DRESS CODE AND APPEARANCE

Catholic schools in the Diocese of Wilmington are expected to present a professional image that reflects 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 required to maintain a neat, clean, and modest appearance that is appropriate for the workplace setting and for the work being performed.

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*, sweat pants, jeans, tank tops, extremely tight clothes, clothes that do not adequately cover underwear, low-cut shirts and pants, 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.

Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of his/her job.

Employees should limit natural or artificial scents that could be distracting or bothersome to others. 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 is responsible for enforcing guidelines for workplace-appropriate attire and grooming and 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.



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 strictly prohibited at all times in school buildings, on school grounds, in school-leased vehicles, and at all school-affiliated functions.



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.

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.

For any occurrence of reasonable suspicion, the Superintendent of Schools and the Director of Human Resources at the Diocese of Wilmington must be notified. The Director of Human Resources will provide screening instructions, if applicable.

Post-Accident – 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.



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/principal/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.



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.



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



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.



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.



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:

School

- Faculty Meetings
- Faith Formation Experiences
- Level/Subject Area/Department Meetings
- Mentoring Sessions
- Parent-Teacher Meetings and Conferences
- Professional Development Experiences

Diocesan

- Administrator Meetings
- Initial Faith Formation Sessions
- Level/Subject Area/Department Meetings
- Mentoring Sessions
- Professional Development Day
- Spirituality Day



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.



USE OF TECHNOLOGY, SOCIAL MEDIA, AND ONLINE ACTIVITY

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.

Use of Technology

All computers, computer networks, email systems, telephone systems, voicemail systems, software developed by or licensed to the school, all communications created, received, stored on, or transmitted by or through any school equipment, network, and system are intended solely for business use by employees and are not intended or permitted to be used for any personal purposes.

The employees of the school have a variety of equipment available to them in order to effectively manage their responsibilities. This may include, but is not limited to, computer services, internet, email, online services, facsimiles, telephone systems, scanners, computer files, cameras, video equipment, tapes, tape recorders and recordings, pagers, cell phones, and software.

The school reserves the right to inspect, examine, and monitor the use of its computers, computer networks, email, telephone systems (including voicemail), and all other electronic communication systems at any time and without notice to the extent necessary to ensure that electronic media and services are being used in compliance with the law and other diocesan policies.

Email must not be used for knowingly transmitting or retrieving or storing any communication of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene, or X-rated communications, or are of a defamatory or threatening nature or for “chain letters” or for solicitation or for any purposed which is illegal or contrary to the values, mission, and ministry of the Diocese of Wilmington.



Internet access may not be used for transmitting, retrieving, or storing any discriminating or harassing materials, nor can it be used for obscene or X-rated materials. No messages with derogatory remarks shall be transmitted. No abusive, profane, or offensive language is to be transmitted through email or internet.

Any employee found to have violated this policy will be subject to disciplinary action.

Definitions

Electronic Media includes computers, emails, telephones, voicemail, fax, online services, the internet, and world wide web.

The Network is a system of computers that are connected electronically. This includes any external internet or intranet.

Social Media and Online Activity

The Diocese of Wilmington respects the rights of employees to maintain a social media and online presence. Information posted on a website or social media platform is available to the public, and therefore, the Diocese is committed to ensuring that the use of such technology serves our mission and maintains our identity, integrity, and reputation in a manner consistent with our Core Values and policies. Employees must ensure that social media and online activity does not interfere with their work.

Social Media includes all forms of online applications, websites, tools, and platforms that enable communication between users. The specific types of social media change frequently but, as a general matter, include, but are not limited to: (a) social-networking sites (e.g. Facebook, Instagram, Twitter, LinkedIn); (b) blogs and micro-blogs (e.g. WordPress, Blogger, Tumblr); and (c) content-sharing sites (e.g. Flickr, YouTube, TikTok, Vimeo, Pinterest).

Additionally, comments posted to a website, blog, and other user-generated content are subject to standards set forth in this policy.

Because of the evolving nature of social media, employees should be aware that this policy is not intended to be comprehensive in scope. Instead, employees are expected to apply the standards set forth in this policy and the more general standards of good judgement and professionalism to all conduct, including conduct online.



Social Media and online activity are subject to the same standards of conduct that apply to other activities. All of the expectations and obligations contained in other Diocesan policies also apply online. Employees are prohibited from engaging in any of the following in their online activities and social media posts:

- Promoting illegal activity, including the use of illegal drugs;
- Promoting or endorsing violence;
- Bullying or disparaging of others;
- Discriminatory conduct including directing any negative comment towards or about any individual or group based on race, religion, gender, disability, sexual orientation, national origin, citizenship, or other characteristic protected by law;
- Retaliation;
- Posting, uploading, or sharing any recording or images (including audio, pictures, and videos) taken in the workplace or at any employer-sponsored event without express advance authorization.

This policy applies to all social media and online activity of all school employees. This policy applies without regard to whether such activity occurs in the workplace or whether school equipment or technology is used. As with all diocesan policies, any conduct which violates this policy is cause for disciplinary action, up to and including termination.

On-the-job Social Media and Online Activity

Employees may only engage in social media and online activity during work time and/or with diocesan equipment or property provided when it is directly related to their work, approved by their manager, and follows the Acceptable Use of Technology guidelines. The school monitors employee use of company computers and the internet including employee blogging and social networking activity. There is no expectation of privacy when posting content on the internet.

Off-the-job Social Media and Online Activity

Employees may maintain personal websites, social media, or weblogs on their own time using their own facilities. In general, the Diocese considers social media and online activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas. Employees may not post on a personal blog or webpage or participate on a social networking platform for personal purposes during work time or at any time with school equipment or property.



Employee Rights

Nothing in the Social Media and Online Activity policy shall be construed or interpreted to prohibit employees from engaging in or regulating any conduct protected by the National Labor Relations Act or any other applicable law.



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 individual 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/volunteer/individual, 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/volunteer/individual 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



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, online (Delaware only), or in person. If the report is made online, the reporter may still be prompted to call. 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****Online Reporting: <https://kids.delaware.gov/family-services/child-abuse-and-neglect-reporting/>****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**

A *CSO Child Abuse Report Form* for each incident that is reported to Child Protective Services should be sent to the Superintendent of Schools within 24 hours.

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 24 hours.
 - 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.



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, be cleared by the Office for Safe Environments, and sign a copy of the diocesan ethical standards of behavior in order to work in a school. Criminal background check results should never be sent directly to the school/parish from the law enforcement agency, nor should a copy be presented by the employee. All clearances are submitted to and maintained by the Office for Safe Environments.

As a condition of employment, within the introductory period, each new employee must view the required Safe Environments’ *For the Sake of God’s Children* videos. The videos are found on the Diocese of Wilmington website www.cdow.org and may be viewed by clicking the *For the Sake of God’s Children* link. Once all videos are viewed, the employee must register for clearance with the Office for Safe Environments by clicking the link at the bottom of the website page.

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.



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.



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 confirming the employee's responsibility to read and comply with the procedures outlined in the school handbook.

Information provided in the school handbook should not contradict the Catholic Schools Office School Personnel Handbook.



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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.



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 scale to determine administrator salaries (Refer to *Administrator Salary Worksheet-Form C*). This calculation should serve as a minimum salary. 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.



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 paycheck, 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.

Overtime - For Non-Exempt Employees

The nature of the school's activities may require that employees periodically work in excess of their normal work schedule. For non-exempt employees, overtime is actual hours worked in excess of 40 in a single workweek. All overtime must be approved in advance by a supervisor or manager. Unauthorized overtime worked will be paid, but is cause for disciplinary action.

Non-exempt employees will be compensated for overtime hours as follows:

1. Hours worked in excess of 35 up to and including 40 hours per workweek, are compensated at the regular hourly rate of pay. Hours worked in excess of 40 hours per workweek are paid at a rate of one and one half (1 1/2) times an employee's regular hourly rate of pay.
2. Holiday, paid time off (sick/vacation/personal), emergency closure, jury duty, bereavement, and other forms of paid leave do not count as time worked for purposes of computing overtime.
3. Overtime is calculated on a weekly basis for all eligible employees.

Emergency School Closing/Virtual Learning Day

In the event of a school emergency closing, all staff (exempt and non-exempt) are paid for the school day. Essential personnel who are required to be present on campus by the Pastor, school President, or Principal are paid for the school day and for the additional hours they are onsite.

When it is deemed necessary to have a virtual learning day, all staff (exempt and non-exempt) are paid for the school day. Non-exempt essential personnel may be required to be present on campus. Non-exempt employees who are not required to be present on campus may be assigned work to be completed at home or be present for virtual learning sessions.

The school President or Principal should determine who is considered essential personnel. Each person considered essential personnel should receive a memo designating him/her as such.

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.



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BENEFITS

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



ELIGIBILITY AND ENROLLMENT

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

The Diocese of Wilmington recognizes the value of benefits to employees and their families. The Diocese supports employees by offering a comprehensive and competitive benefits program. Information regarding the diocesan benefits program may be found at <https://cdow.eebenefits.net>. Questions regarding the program should be directed to the Benefits Specialist in the Office for Human Resources at the Diocese of Wilmington at benefits@cdow.org.

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 20 hours per week to be eligible to participate in the diocesan benefit plan. Pension-eligible employees must work 1,000 hours in a calendar year to receive pension credit for the year.
- b. Employees hired after July 1, 2007, and before July 1, 2016, must work a minimum of 25 hours per week 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 to be eligible to participate in the diocesan benefit plan.

Benefits-Eligible Employees

Benefits-eligible new employees will receive a benefits guide and instructions for enrolling. New employees have 30 days from their eligibility date to enroll in benefits. After expiration of 30 days, employees must wait to enroll during the annual open enrollment period. Medical and Dental benefits, if selected, will be effective the first day of the month following the date of hire.

Benefits-Eligible Dependents

Spouses are only eligible to enroll in medical benefits if they are not offered coverage through their employer. Children may only be covered up to age 26 unless mentally or physically disabled with documentation of ongoing disability. Employees adding a spouse or child(ren) must provide proof of eligibility prior to the coverage becoming



effective. This includes documents such as marriage and/or birth certificates as well as Spousal and Dependent Certification of Eligibility document.

Qualifying Life Event

Benefit elections are in effect for the entire plan year and can only be changed during Open Enrollment unless there is a qualifying life event. A qualifying life event is a change in personal life that may impact an employee's eligibility or a dependent's eligibility for benefits. Requests for changes due to a qualifying life event must be made within 30 days of the date of the event. Documentation of the qualifying event will be required.

Transfer of Benefits for Employees Hired from a Parish/School or Diocese of Wilmington or Returning to Service

Persons hired by the Diocese or a parish/school for any position (exempt or non-exempt) who are transferring from within the Diocese or a parish/school or returning to service after a break in employment, may bring the following accumulated benefits to their employment, provided the break in service between periods of employment with the parish/school or diocesan service does not exceed one year.

- Accumulated sick days up to a maximum of 90 days, provided the parish/school allowed accumulation of sick days
- Accumulated service time in the parish/school for the calculation of vacation (e.g., a person who had been employed by the parish/school for 8 years would bring 8 years of accumulated service time to the new position and would be eligible for 3 weeks of vacation.) Accumulated unpaid vacation is to be paid by the parish/school and is not transferable.



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.



MEDICAL INSURANCE

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

The Diocese of Wilmington makes available a group medical plan for those employees who meet the benefit eligibility guidelines. If an employee elects to enroll, the school will pay a defined contribution toward the cost of the monthly premium. The employee cost will be deducted on a pre-tax basis from earned wages, based on the coverage selected. A spouse and/or dependent may be added to the plan with the cost typically covered by the employee. See Policy 401 for spouse/dependent eligibility.

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.

Wellness Program

The Wellness Program is an initiative by the Diocese of Wilmington to promote the maintenance of good health. Employees and spouses who are enrolled in the medical plan are asked to have an annual preventative exam as part of the Highmark wellness program between January 1 and December 31 every year. It is important that the employee informs the physician that he/she is requesting his/her annual preventative exam as part of an employer wellness program. This will ensure the exam is billed with an eligible preventative exam code so that the employee receives the proper credit for the program.



Employees and/or spouses who choose not to participate in the program will receive the Non-Wellness premium for the following plan year (additional \$100 per employee and \$100 per spouse, monthly).

Employees who join the medical plan after July 1 of the plan year will receive the Wellness Rate for the first full plan year.



DENTAL AND VISION INSURANCE

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

Dental Insurance

The Diocese makes available a group dental plan for those employees who meet the benefits eligibility guidelines. If the employee elects to enroll, the employee cost will be deducted on a pre-tax basis from earned wages, based on the coverage selected.

Employees adding a spouse and/or child(ren) must provide proof of eligibility. This includes documents such as marriage and/or birth certificates as well as a Spousal and Dependent Certification of Eligibility document.

Benefit elections are in effect for the entire plan year and can only be changed during Open Enrollment unless there is a qualifying life event.

Vision Insurance

The Diocese makes available a group vision plan for those employees who meet the benefits eligibility guidelines. If the employee elects to enroll, the employee cost will be deducted on a pre-tax basis from earned wages, based on the coverage selected.

Employees adding a spouse and/or child(ren) must provide proof of eligibility. This includes documents such as marriage and/or birth certificates as well as a Spousal and Dependent Certification of Eligibility document.

Benefit elections are in effect for the entire plan year and can only be changed during Open Enrollment unless there is a qualifying life event.

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.



**VOLUNTARY LIFE/ACCIDENTAL DEATH
DISMEMBERMENT (ADD) INSURANCE**

Catholic schools in the Diocese of Wilmington must offer voluntary life/accidental death and dismemberment (ADD) insurance to all eligible employees.

The Diocese makes available a voluntary life and accidental death and dismemberment plan for those employees who meet the benefit eligibility guidelines. If selected, the premium will be paid entirely by the employee.



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

Employees meeting the benefits eligibility guidelines will be automatically enrolled in long-term disability insurance at no cost to the employee.



VOLUNTARY SHORT-TERM DISABILITY INSURANCE

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

The Diocese makes available voluntary short-term disability, group accident, group critical illness, group hospital indemnity and whole life insurance coverage for those who meet the benefits eligibility requirements. If selected, all premiums will be paid entirely by the employee.

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



WORKERS' COMPENSATION

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

Workers' Compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment. The Diocese of Wilmington pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The Diocese abides by all applicable state workers' compensation laws and regulations. If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Human Resources immediately. The supervisor will complete an injury report with input from the employee and return the form to Human Resources. A claim will be filed with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the company's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

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.

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.



RETIREMENT SAVINGS PLAN

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

Benefit-eligible employees have the opportunity to contribute to a retirement savings plan at the parish/school. Parishes/schools are required to offer a match to the employee contribution. Specific information on the individual parish/school plan is available from the parish business manager or bookkeeper at the specific entity. It is the responsibility of the parish/school to provide this information to all employees.

401(k) and 403(b)

The Diocese of Wilmington, school, or parish (as applicable) will make available a retirement savings plan for those employees who meet the benefit eligibility guidelines. A match will be provided, based on the individual employer. Vesting will be determined by the individual plan rules.

Lay-Employee's Pension Plan (Prior to 12/31/2011)

The Lay-Employee's Pension Plan, in effect prior to 12/31/2011 for full-time employees, was frozen on 12/31/2011. Participants (full-time employees entitled to benefits) in the plan who were vested, having worked for a minimum of five years, will be eligible to begin collecting their pension at age 65. Employees between 55-65, with at least 10 years of service, may apply for early retirement with a reduction in benefits. Participants in the plan who were not vested as of 12/31/2011 but continued in employment with the Diocese for a minimum of five years, are entitled to the frozen unvested benefit once the employee reaches the age of 65, under the Reaffirmation Agreement. If a participant terminated employment prior to the completion of the five-year vesting requirement, no pension benefit is paid.

Questions regarding retirement/pension should be directed to the Payroll Manager in the Office for Human Resources at the Diocese of Wilmington at payroll@cdow.org.



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.



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.

Any additional discounts offered are approved at the local level.



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PAID TIME OFF

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

To assist in balancing work/life needs, paid time off benefits are provided by the Diocese of Wilmington to active, benefits-eligible employees (exempt and non-exempt) after 90 days of continuous employment. Paid time off must be requested in advance except in cases of unforeseeable events. All paid time off accruals will be pro-rated for part-time employees.

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 – Emergency School Closure

If there is a need to close school due to inclement weather, heating/cooling breakdowns, or other emergency-related situation, the decision will be made by the school administrator and/or pastor, with approval by the Superintendent.

Employees affected by emergency closings will not be charged for missed time and will receive compensation at the regular rate. Emergency closings are not entitlements if they happen to occur during an employee's vacation/personal/sick time off.

Employees designated by the school as essential personnel may be expected to report to work and will be compensated according to Policy 302.

412.3 – Vacation

Eligible employees are encouraged to take vacation time during each year for rest and relaxation. Vacation time is charged to the hour and does not count as time worked for purposes of computing overtime. Vacation time may not be used in the first 90 days of employment.



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 are not allotted vacation days. 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.” 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. If approved, this time is unpaid time off.

All other benefits-eligible 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.

Payment of Unused Vacation at Time of Termination

For employees who terminate within the first 90 days of employment, unused vacation days are not paid out.

Unused vacation time may be paid out to eligible employees at 50% of the cash value upon termination, unless termination is for cause.



Retirees who meet the eligibility requirements for retirement will get their vacation time at 100% of the cash value. For the purpose of this policy, retirement is defined as commencing pension payments or employees with at least 10 years of service and attainment of age 55 on the date of separation.

Vacation time may not be used in lieu of working during the last week of employment due to resignation or retirement.

412.4 – Sick Leave

Time off for sick leave is intended to be used for recuperation time when an employee or family member is ill, medical appointments, or for recovery from a procedure or accident. 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. Sick time off is not intended to be used as supplemental vacation time off.

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. Personal time may not be used in the first 45 school days of employment.

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 three of their allotted 8 sick days for personal reasons. Personal time may not be used in the first 45 school days of employment.

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 extends to three days or if performance is adversely affected. 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 three or more consecutive calendar days or that are chronic in nature may be eligible for certification under 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.

Sick time may not be used in lieu of working during the last week of employment due to resignation or retirement. No unused sick time is paid out to employees. Vacation time that is requested and approved may not be exchanged for sick time once the leave has begun unless it becomes covered under FMLA.

Maryland employees should refer to the Maryland Healthy Working Families Act – Maryland Earned Sick and Safe Leave for additional information.

412.5– Bereavement

In the event of the death of a member of the immediate family or close relative, employees may be granted up to three days paid time off in order to make necessary arrangements, attend the funeral, or handle other affairs directly related to the funeral.

Immediate family is generally defined as spouse, children, parents, siblings, and guardians. Close relatives generally include grandparents, spouse's parents, aunts, uncles, nieces, nephews, brothers-in-law, and sisters-in-law. Documentation may be requested. Requests for bereavement time for someone other than immediate family or close relative as defined above require use of vacation or personal time. In certain circumstances additional days may be granted by the school administration.



412.6 – Jury Duty

The Diocese supports employees in their civic duty to serve on a jury, comply with a subpoena, order of any Federal or State court, or to fulfill the requirement to serve as a witness. Employees must present any summons or other judicial document to their supervisor as soon as possible after receiving notice to allow advance planning for an employee's absence.

The employee will be paid the amount of the employee's average regular daily pay for the minimum amount of time required to comply with the order. An employee required to serve during the normal hours of employment is expected to return to work if excused by the Court on or before 1:00 pm of each service day.

412.7 – Court Witness

The Diocese supports employees in their civic duty to serve on a jury, comply with a subpoena, order of any Federal or State court, or to fulfill the requirement to serve as a witness. Employees must present any summons or other judicial document to their supervisor as soon as possible after receiving notice to allow advance planning for an employee's absence.

The employee will be paid the amount of the employee's average regular daily pay for the minimum amount of time required to comply with the order. An employee required to serve during the normal hours of employment is expected to return to work if excused by the Court on or before 1:00 pm of each service day.

412.8 – Military Leave

The Diocese of Wilmington supports the military obligations of all employees and grants leave for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the employee's supervisor. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

During military duty, the employee will be paid the difference between regular compensation and military compensation, if the regular compensation is higher. An official statement from the military showing the rate of compensation paid must be presented to the administrator.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.



All employees who enter military service may accumulate absence of 5 years and still retain employment rights.

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.



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

The Diocese of Wilmington complies with the federal Family and Medical Leave Act which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The Diocese also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Note, there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. **In order to apply for Family and Medical Leave, contact the diocesan Human Resources Office.**

Schools/parishes will provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured from the date an employee uses any FMLA leave, except for leaves to care for a covered service member with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period measured forward from the date an employee first takes that type of leave.

Basic Leave Entitlement

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or childbirth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, child, or parent who has a serious health condition; (4) for a serious health condition that make the employee unable 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 who has a serious health condition.



Military Family Leave Entitlements

Eligible employees with a spouse, child, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to 7 days of leave); (2) attending certain military events and related activity; (3) arranging child care and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to 5 days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the armed forces, including a member of the National Guard or reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating and for which the service member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections During FMLA Leave

During FMLA leave, the employer will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued before the start of an employee's leave. No additional paid leave will be accrued while on FMLA.



Employee Eligibility

The FMLA defines an eligible employee as an employee who (1) has worked for the employer for at least 12 months; (2) has worked for the employer for at least 1,250 hours in the previous 12 months; and (3) works at or reports to a worksite that has 50 or more employees or is within 75 miles of employers' worksites that, taken together, have a total of 50 or more employees.

Definition of "Serious Health Condition"

A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least 2 visits to a healthcare provider or 1 visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of "continuing treatment."

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or a reduced work schedule basis.

Substitution of Paid Leave for Unpaid Leave

The employee may choose or the employer may require the use of accrued paid leave while taking FMLA leave. Accordingly, the Diocese requires employees to exhaust all available paid time off during an FMLA leave prior to moving to an unpaid status.

Employee Responsibilities

The employee must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the normal call-in procedures. The employer may delay leave to an employee who does not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.



The employee must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. The employee also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. The employee also is required to provide a certification and periodic recertification supporting the need for leave. The employer also may require a second and, if necessary, a third opinion (at the employer's expense) and, when the leave is a result of the employee's own serious health condition, a fitness-for-duty report to return to work. The employer also may delay or deny approval of leave for lack of proper medical certification.

Employer Responsibilities

The employer will inform the employee requesting leave whether he/she is eligible under the FMLA. If he/she is, the notice will specify any additional information required, as well as the employee's rights and responsibilities. If the employee is not eligible, the employer will provide a reason for the ineligibility.

The employer will inform the employee if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer will notify the employee.

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.

Other Provisions

Under an exception to the FLSA in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of an employee who is exempt from the minimum wage and overtime requirements of the FLSA, without affecting the



employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

An employee may not perform any work, including for self-employment or for any other employer, during an approved leave of absence, except when the leave is for military or public service and the employee's reason for FMLA leave does not preclude the work.

Unlawful Acts by Employers

The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.



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, no benefits are offered, 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.



EMPLOYEE ASSISTANCE PROGRAM (EAP)

Catholic schools in the Diocese of Wilmington are required to provide all employees with information regarding the Employee Assistance Program.

The Employee Assistance Program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. The Diocese of Wilmington wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

The Diocese encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these services are assured the information disclosed is confidential and not available to the Diocese, and no information is given on who chooses to use the service.



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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.*



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.



SUMMATIVE EVALUATIONS/PERFORMANCE APPRAISALS

Catholic schools in the Diocese of Wilmington require a summative evaluation or performance appraisal of each employee.

All employees on a diocesan employment agreement receive a summative 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 AP/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 a summative evaluation. This evaluation is:

- conducted annually or bi-annually as specified in the *Observation and Evaluation Process for Educators*
- based upon adherence to the *Professional Standards for Catholic School Educators*, inclusive of classroom 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 a 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 using the diocesan standardized summative evaluation form for counselors
- signed by the counselor and principal

502.6 – Nurse

A nurse receives a summative evaluation. This evaluation is:

- based upon adherence to the *Professional Standards for Catholic School Nurses*, performance of responsibilities 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 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 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



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, 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, 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 a Superintendent's Review.



SUPERINTENDENT'S REVIEW

Catholic schools in the Diocese of Wilmington provide employees the right to have an employment termination reviewed by the Superintendent of Schools.

In the event a school employee is terminated, the employee shall have the right to have the termination reviewed by the Superintendent of Schools. The employee should first make the request, in writing, to the Superintendent. If the Superintendent deems it necessary, an in-person or phone meeting may be scheduled.

The Superintendent is not required to provide a review for a non-extension of continued employment, if the proper process, listed in Policy 113, has been followed.



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 April 15. 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 April 15.



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:

<u>Separation Date</u>	<u>Benefits Discontinued</u>
1 st – 15 th of the month	Last day of the current month
16 th – 31 st 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

For employees who terminate within the first 90 days of employment, unused vacation days are not paid out.

Unused vacation time may be paid out to eligible employees at 50% of the cash value upon termination, unless termination is for cause.

Retirees who meet the eligibility requirements for retirement will get their vacation time at 100% of the cash value. For the purpose of this policy, retirement is defined as commencing pension payments or employees with at least 10 years of service and attainment of age 55 on the date of separation.

Vacation time may not be used in lieu of working during the last week of employment due to 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 Superintendent of Schools.



<p>Diocese of Wilmington Catholic Schools Office School Personnel Handbook</p> <p>Acknowledgement Form</p>
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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

