



ROMAN CATHOLIC
DIOCESE OF ROCHESTER

Priest Personnel Handbook

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APPENDIX I – CODE OF CONDUCT

APPENDIX II – PRIEST ACKNOWLEDGEMENT

The Priest Personnel Handbook is different in form and format. In substance these are a faithful reflection of the existing policies. It has been necessary to reformat these materials to create the portal for on-line enrollment for benefits. We appreciate your understanding and cooperation.

1.00 PURPOSE OF THIS HANDBOOK

This Handbook summarizes many of the privileges, benefits and responsibilities you have as a priest in the Diocese of Rochester. This Handbook is intended to acquaint priests with the policies and procedures of the Diocese of Rochester and should be a useful reference. Above all, it should promote consistency, fairness and understanding. Nevertheless, the provisions of this handbook do not create contractual obligations with respect to any matters it covers.

The web-based version of this handbook contains links to supplemental information on some subjects. Periodic updates will be provided electronically on the Policies and Procedures Database in Lotus Notes and announced through Diocesan Updates and/or email. If you have questions about information in the handbook, please contact the Human Resources Department or the Director of Priest Personnel.

It is understood that priests serve the Diocese of Rochester at the pleasure of the Diocesan Bishop. The policies contained herein and the policies and/or guiding principles in both the Pastoral Center Handbooks and the Parish/School Employee Handbooks should be read in conjunction with one another. Such policies are applicable to priests as appropriate and subject to the Diocesan Bishop's discretion.

This Handbook and its policies, procedures and benefits are in effect as of the date at the bottom of each page and supersede all other handbooks/manuals previously distributed. This handbook is intended to be in compliance with all federal, state, and/or local laws. To the extent any provision is inconsistent with any applicable federal, state, and/or local law, the Diocese of Rochester will comply with the prevailing law. To avoid confusion, please discard any copies of previously published Priest Personnel Handbooks. The Diocese of Rochester may enhance, alter, reduce or terminate any policies, pay practices, premium contributions, benefits, and/or benefit plans at any time. The statements regarding our policies, procedures and benefits are for information purposes only. Married priests will be treated on exception basis using the guiding principles outlined herein.

1.01 DEFINITIONS

For the purpose of benefit eligibility, the following employee definitions are in effect:

- Full-time, Benefit Eligible Priests. Priests regularly scheduled to work a minimum of 35 hours per week over twelve (12) calendar months.
- Part-time, Benefit Eligible Priests. Priests regularly scheduled to work at least 35 hours per week but less than 12 months during the calendar year. Priests regularly scheduled to work more than 20 hours per week over twelve (12) calendar months.
- Part-time Priests. Priests regularly scheduled to work less than less than 20 hours per week are **NOT benefit eligible.**
- Temporary or Seasonal Priests. Priests hired to perform a function for a specified period of time are **NOT benefit eligible.**

2.00 HUMAN RESOURCE POLICIES

The policies in this section of the handbook are centered on the Diocese's commitment to providing a fair and safe work environment for priests and all employees.

2.01 REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

The DORAE fully support the Federal Americans with Disabilities Act (ADA), the ADA Amendments Act (ADAAA) and New York State Human Rights Laws which make it unlawful to discriminate in employment against a qualified individual with a disability. The Diocese's commitment to this policy includes making reasonable accommodation to qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless to do so poses an undue hardship or a direct threat to health or safety.

The priest should make the Office of Priest Personnel aware of the need for an accommodation. The Human Resources Department and the individual will define his job-related needs in an effort to try to accommodate those needs. Employees may not refuse to work alongside co-workers who have disabilities. The decision as to whether a particular accommodation will be made rests with the Office of Priest Personnel and the Human Resources Department. Also, when appropriate, permission may be needed from the priest to obtain additional information from his physician and/or other medical rehabilitation professional regarding the type of accommodation needed.

2.02 HARASSMENT FREE WORKPLACE

The DORAE is committed to providing a work environment free from all forms of harassment and discrimination. In furtherance of this commitment, any form of harassment because of race, creed, color, national or ethnic origin, sex, gender, age, sexual orientation, religion, marital status, military or veteran status, predisposing genetic information, domestic violence victim status, previous conviction of criminal offenses (except where permitted by law), or disability (including physical, sensory or mental), or any other status or characteristic protected under federal, state, or local law is strictly prohibited and. Harassment, whether it is sexual, physical, verbal or written in nature, as well as unlawful discrimination, are prohibited forms of misconduct.

This policy applies to all priests, employees, applicants, volunteers, and other individuals who may have a direct connection to the Diocese (e.g., outside vendors, consultants, contractors, and visitors). Conduct prohibited by this policy is unacceptable in the workplace, at any work-related setting outside the workplace, business trips, business meetings, and business-related social events.

Specific types of harassment include, but are not limited to:

- **Physical harassment** includes but is not limited to pushing, hitting, touching or other offensive behavior of a physical nature.
- **Verbal harassment** refers to derogatory or degrading verbal comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to: unwelcome jokes, gestures, epithets and teasing.
- **Written harassment** refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific

examples include, but are not limited to: e-mail, memos, notes, social networking sites and blogs, graffiti and other visual depictions.

- **Sexual harassment** refers to sexually oriented behavior that is not welcome, that is personally offensive and that interferes with work effectiveness. Sexual harassment includes, but is not limited to unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, situations where submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or situations where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile environment using vulgar remarks, jokes, teasing and uninvited touching.

Priests who become aware of, believe they have witnessed, or believe they have been the subject of harassment are required to report their charge immediately to the Office of Priest Personnel, Human Resources Department, or any member of management they feel comfortable discussing the matter with. The Human Resources Department is responsible for investigating all complaints, and will do so promptly and thoroughly. The DORAE will make every effort to protect the identity of the person making the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation and take necessary action to resolve a complaint.

If an allegation of harassment or discrimination is found to have merit, the DORAE will take appropriate remedial and/or disciplinary action, up to and including termination. False and malicious complaints of harassment, discrimination, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to appropriate disciplinary action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Individuals who feel that they have been retaliated against for reporting a claim should contact the Human Resources Department immediately.

2.03 **DRUG, ALCOHOL AND TOBACCO FREE WORKPLACE**

The use, possession, sale, conveyance, distribution or manufacture of controlled substances (as defined in Title 21 of the Code of Federal Regulations), or illegal drugs is expressly prohibited on Parish, School or Diocesan (including vehicles) property. Compliance with this policy is a condition of employment, and any priest who engages in any such behavior may be subject to disciplinary action, up to and including termination, and possible criminal prosecution. Local police must be called to investigate suspicion of a violation of this policy. Priests who are taking drugs prescribed by a physician, dentist or other licensed practitioner which may affect their ability to safely perform their job should bring this information to the attention of a supervisor. Priests may provide a written statement to the Diocesan Bishop from their attending physician specifying any work restrictions and should do so prior to starting work under the influence of this drug(s).

Also prohibited is the unauthorized use of controlled substances or alcohol on non-working time off of Parish, School or Diocesan premises to the extent such actions impair a priest's ability to perform his job or otherwise adversely affects the Parish, School or Diocese.

Alcohol will not be brought on to or consumed on Parish, School or Diocesan property except for Parish, School or Diocesan sponsored events or for use in the private quarters of a rectory. In cases where alcohol will be served, all New York State laws and licensing requirements will be followed.

New York State Law prohibits smoking in all Parish and Diocesan buildings as well anywhere on School grounds except in the private quarters of a rectory. Employees, volunteers and visitors should refrain from smoking any closer than 50 feet from Parish or Diocesan buildings or near any building entrance or parking lot where other employees and/or visitors would be exposed to second-hand smoke.

Under age possession or use of alcohol and tobacco on Parish, School or Diocesan (including vehicles) property is strictly prohibited.

2.04 WAGE AND HOUR COMPLIANCE

The Fair Labor Standards Act (FLSA) is the federal law that sets minimum wage, overtime pay, equal pay, record keeping, child labor standards, and generally governs all wage and hour matters for covered employees. New York State has similar wage and hour laws contained in the New York Labor Law.

Questions or concerns regarding overtime issues or exemption criteria should be directed to the Human Resources Department. ([Link to Wage and Hour Compliance Policy](#))

Wage and Hour Training is mandatory for all priests and is available online. ([Link to training](#))

2.05 EMPLOYMENT OF RELATIVES AND CLOSE ASSOCIATES

In order to avoid the possibility of conflicts, claims of favoritism and other issues that may arise when family members work for the same employer, Human Resources must approve employment of immediate family members under specific conditions. However, no employee shall supervise, vote, make recommendations, or in any other way participate in the decision of any matter that may directly affect the appointment, promotion, salary, or any other status or interest of such priests' parents, step-parents, sisters, step-sisters, brothers, step-brothers or other close associates.

2.06 COMMERCE AND TRADE

Priests are reminded of the obligations of Canon 286 which forbids the practice of commerce and trade, either personally or through another, for their own or another's benefit. Priests are forbidden to undertake the administration belonging to lay people, except with the permission of their Ordinary (Canon 285, §4).

2.07 POLITICAL ENDORSEMENTS

An organization that is exempt from federal income taxation under section 501(c)(3) of the tax code may not participate in or intervene in any political campaign on behalf of any candidate for public office, even if such participation or intervention is not substantial. If a church violates the

prohibition, its federal tax-exempt status may be revoked by the IRS and/or a tax may be assessed against it. The IRS considers the following five types of activity a form of participation or intervention and therefore inappropriate:

1. endorsement of candidates;
2. donations to a candidate's campaign;
3. fund-raising for a candidate;
4. distributing statements relating to specific candidates;
5. involvement in other activities that may be beneficial or detrimental to a candidate.
6. It is important to take care when engaging in political endorsement. You are encouraged to contact the Diocesan Chancellor with other concerns or questions.

2.08 PUBLIC RELATIONS AND MEDIA INQUIRIES

Contact with the media is at times sensitive, thus media requests for official Diocese statements may be handled only by the Diocesan Director of Communications or a designee. Any telephone calls or visits from members of the media requesting the Diocese's official statement should be directed to the Diocesan Director of Communications.

2.09 WHISTLEBLOWER POLICY

Priests, employees and volunteers are protected from retaliation of any sort if they report illegal or fraudulent behavior by or within the DORAE as outlined in the Whistleblower Policy. ([Link to Whistleblower Policy](#))

3.00 MINISTRY AND ASSIGNMENTS

3.01 PARISH PROFILE AND DISCERNMENT TIMELINE

A standardized parish profile instrument shall be used to assist the Office of Priest Personnel to carry out its role of making recommendations to the Diocesan Bishop for the assignment of priests, pastoral administrators and transitional deacons.

The Discernment Timeline will be as follows:

1. Personal interviews with each priest in the diocese will be done on a three (3) year rotation or as requested in the fall. Personal interviews with each 4th Year Theologian will be done annually in the fall of each year.
2. After retirement letters are received in January, Priest Personnel Board members will meet with the Parish Pastoral Council of the parish of each impending retiree to review expectations on their behalf for their new parish leader.
3. Parish openings are to be posted no later than March 1st and the process of Priest Personnel Board interviews at each resultant vacancy will continue until all appointments are made.

3.02 TERMS OF OFFICE

Terms of office will be according to the following schema:

Pastors

Ordinarily the total maximum length of office as pastor of one parish shall not exceed twelve (12) years and each term for pastor shall be for six (6) years.

Parochial Vicars

A parochial vicar's assignment will not exceed six (6) years.

Internship

The internship period shall be for three (3) years after ordination succeeded by a second assignment of three (3) years before moving to a pastorate.

Non-Parochial Assignments

At the beginning of a non-parochial assignment, a term will be specified. However, due to the nature of various non-parochial assignments, and in cases requiring special preparation, the term of the assignment may be left to the discretion of the Diocesan Bishop.

3.03 ASSIGNMENTS

Principles Governing Assignments

- Ordinarily, priests will be assigned to parish or other faith community equitably based on established criteria of size, complexity and special needs, taking care that a just distribution of priests is maintained throughout the Diocese.
- Some roles and functions in the curia are required to be performed by priests (e.g. the Vicar General [C. 478], the Moderator of the Curia [C. 473.2], the Judicial Vicar [C. 1420.4]). Others may be staffed by priests at the Diocesan Bishop's discretion.

- Parochial vicar interns will be assigned only to trained supervising pastors.
- Priests who are not able to preside over a faith community due to ill health and/or other limitations will not be asked to accept ministries which they are not able to carry out faithfully.
- Even though a particular special ministry may not require it, the Diocesan Bishop may assign a priest to any ministry for the good of the Diocese. Any priest is free to apply for such a position.
- Each priest will be given a reasonable length of time for prayer and consultation before responding to the invitation to accept a particular assignment.
- In the event of emergency need for a transfer, all parties will be given all possible consideration.

Parish Ministry

- Pastor – Parochial Vicar. Once a priest has completed internship, he shall be qualified as a parochial vicar. The receiving pastor and the parochial vicar will each be given the opportunity to discuss and assess a possible assignment before it is finalized.
- Parochial Vicars and Interns. Priests during the first six (6) years of ministry are required to participate in the programs for the newly ordained as directed by the Office of Priest Personnel.
- Priests Who Are Moderators of Parishes Led By a Pastoral Administrator. Those priests invested with the faculties of a pastor for parishes with pastoral administrators are to fulfill their responsibilities in directing the pastoral care of the parish in an atmosphere of mutually respectful dialogue and collaboration with the pastoral administrator.
- Religious/Diocesan Priest Who Desires a Diocesan Assignment But Does Not Seek Incardination. A priest incardinated in another diocese or definitively incorporated into an institute of consecrated life or a society of apostolic life who desires to serve in the diocese must make a request to the Diocesan Bishop of Rochester and include a letter from his Diocesan Bishop or religious superior attesting to the priest's suitability for ministry and the length of time for which the permission is given. The priest must undergo a criminal and DMV record check, complete Safe & Sacred Training, sign the Code of Conduct and complete all other necessary steps.

If the Diocesan Bishop accepts the request, he and the Director of Priest Personnel will ask for recommendations from those in his Diocese and make a determination after such consultation. After this inquiry, the Board will make a recommendation to the Diocesan Bishop who may assign the priest.

- Non-Incardinated Priest Residing in the Diocese. A priest incardinated in a diocese other than Rochester who resides in the Diocese and desires to exercise sacred ministry must have a letter of permission from his Diocesan Bishop or religious superior, a statement of suitability for ministry, a criminal and DMV record check, complete Safe & Sacred Training, and review the Code of Conduct. The Director of Priest Personnel must contact the religious superior/diocese and other personal references before there can be an agreement for residence in a diocesan rectory or faculties granted.

In addition to the preceding requirements, if the priest is from another country he is required to comply with the provisions of the visa granted to him and may be required to submit additional documentation.

- Non-Parochial Ministries. Priests who have completed internship shall be eligible for assignments in the various non-parochial ministries. The manner of the selection to fill such positions may vary by reason of the nature of the ministry.

3.04 MILITARY CHAPLAINS

A seminarian or priest who wishes to serve as a chaplain in branch of the military services of the United States must write for permission from the Diocesan Bishop. His request should include the specific details and requirements of the chaplaincy he is seeking.

3.05 OPTIONS FOR SENIOR PRIESTS' MINISTRY

A priest who has reached the age of retirement may choose with the Diocesan Bishop's approval to remain in his current assignment, seek a new appointment from the Bishop or negotiate his own arrangements with a benevolent pastor. After the age of retirement all such appointments and arrangements are subject to annual review. It is advisable for him to have a written agreement with the parish or institution he serves.

3.06 PERFORMANCE APPRAISAL

There shall be a formal review for each active diocesan priest every six (6) years. The responsibility for overseeing the Performance Review Process, including the review instrument, rests with the Office of Priest Personnel. Nevertheless, it is expected that the review will involve:

- a. People with whom the priest is working (e.g. parish staff persons, peer chaplains, etc.);
- b. People whom the priest serves (e.g. parish members, office workers, clients, etc.);
- c. Priest peers, selected by the priest being reviewed.

4.00 EXTERN PRIESTS

4.01 VISITING PRIESTS

Visiting priests (any cleric not incardinated in the Diocese of Rochester) serving within the Diocese of Rochester must be in compliance with the Visiting Priest Policy. [\(link\)](#)

4.02 INTERNATIONAL PRIESTS

International priests (any cleric not incardinated in the United States of America) serving within the Diocese of Rochester must be in compliance with the International Priest Policy. [\(link\)](#)

4.03 INCARDINATION/EXCARDINATION

After at least three years of continuous full-time service in the Diocese of Rochester, a visiting priest may wish to be considered for incardination into the Diocese. The individual priest is responsible for making this request to the Diocesan Bishop, after informing his legitimate superior and receiving his permission.

The petition to the Bishop of Rochester should include a description of the reasons for the request. The petition will be assessed by the College of Consultors. Additional materials including a curriculum vitae, health report, and the names and contact information of personal references will also be requested.

The following documents are required for the incardination or excardination of a priest:

1. Letter from the priest to his diocesan Diocesan Bishop requesting excardination from his diocese in order to be incardinated in another diocese. The priest must include his reasons in this letter.
2. Letter sent by the priest to the Bishop of Rochester requesting incardination and the reasons for incardination. (The Bishop's delegate will follow up by being responsible for communication to the Bishop of excardination and to the priest.)
3. The priest must declare in writing to the Bishop of Rochester that he wishes to be dedicated to the service of that diocese (C. 269.3).
4. Letter sent to the priest by his Diocesan Bishop formally declaring him excardinated (C. 267). The letter could include the reasons (e.g., the benefit of the Church or the good of the priest himself [C. 270]). The letter should note that the excardination becomes effective only when the other Bishop of Rochester has formally incardinated the priest.
5. Letter sent from the priest's Diocesan Bishop to the Bishop of Rochester notifying him of the excardination. A copy of the excardination document that was sent to the priest should be included, along with testimonial letters concerning the priest's life, moral character, and studies (C. 269.2). The letter should also ask the Bishop of Rochester to forward a copy of the incardination decree to the excardinating Diocesan Bishop and priest.
6. Letter sent from the Bishop of Rochester to the priest notifying him of the incardination (C. 267). The letter should incorporate what need there is for the priest in that diocese (C. 269.1).
7. Letter sent by the incardinating Diocesan Bishop to the excardinating Diocesan Bishop with a copy of the incardination to complete that Diocesan Bishop's file on the priest.

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N.B.: Canon 268 speaks of a second way for incardination to occur.

N.B.: Religious priests would initially need to follow the direction of Canons 691 and 693 in order to be incardinated as a diocesan priest.

5.00 LIVING ARRANGEMENTS

5.01 ARRANGEMENT OPTIONS

1. Traditional rectory living, with two or more priests serving one parish/cluster or ministry and living together under one roof. Pastors have an obligation of residence in the parish they serve.
2. Priests who serve in different parishes or ministries living together in a common house;
3. Priests who live alone, or who desire to live outside a traditional rectory setting after dialogue with and permission from the Diocesan Bishop.
4. Living in privately owned houses with written permission of the Diocesan Bishop. [\(link\)](#)

Living allowances are governed by the Priest Room and Board Policy. [\(link\)](#)

5.02 OTHER RESIDENTS IN THE RECTORY

Residence in a rectory of longer than 7 days by anyone not a priest is prohibited. Residence of minors is strictly prohibited. Any exceptions to this policy require the written consent of the Diocesan Bishop.

5.03 RECTORY LIVING AND WORKING CONDITIONS

While observing the limitations contained in the Code of Conduct (Appendix A), each priest has the right to receive guests and friends in those areas designated for visitors, while respecting the privacy of the other members of the household. Additionally, there should be mutual respect for each priest's legitimate lifestyle, as well as his right to privacy.

Diocesan policies concerning household pets must be followed. The owner is responsible for damage caused by a pet. Personal household pets should not infringe upon the privacy or well-being of other priests in the rectory. Care must be taken so that the convenience of other priests and the accessibility of parishioners to the rectory are not overlooked. See Domestic Animal Policy for further details. [\(link\)](#)

Each priest should have access to an office for counseling and private instruction. This office must be distinct from living quarters. Additionally, it is recommended that the areas of responsibility of all members of the rectory staff be clearly defined and agreed upon by the staff and priest(s) who are assigned to the parish.

5.04 OPTIONS FOR SENIOR PRIESTS' LIVING ACCOMMODATIONS

Senior priests are free to make whatever living arrangements they wish consistent with their clerical obligations. The general options are as follows:

- Private Accommodations. A senior, priest may choose to live in a private home or apartment. The senior priest will make all of his own arrangements.
- Living in a Rectory. When a senior retired priest lives in a parish owned structure, (i.e. rectory) the financial arrangement is generally agreed upon by the pastor and retired priest. The agreement should always be in writing and signed by both parties. There are several

options available. For example, the retired priest generally performs services for the parish such as mass, funerals, weddings, etc... The value of such services could be offset against the room and board allowance (\$10,300 in fiscal year 2014/2015) with the priest paying the difference to the parish. To illustrate – if a retired priest performs \$6,000 in services, it would be reasonable for the parish to require \$4,300 in “rent” from the retired priest.

6.00 BENEFITS

Disclaimer

From time to time, the following benefit programs may be reviewed and revised. The DORAE reserves the right to enhance, alter, reduce or terminate any of these benefits and benefits plans, including premium contributions, in whole or in part, without advance notice. Any such changes may affect retirees and beneficiaries as well as active priests.

The benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies rather than the summaries contained in this Handbook. Priests may obtain copies of these documents from the Human Resources Department. The Diocese, Bishop and/or the plan administrator have the sole discretion to determine the eligibility for benefits and to interpret and administer these benefit plans.

6.01 HEALTH CARE

Medical and Dental Insurance

The DORAE provides a health and dental insurance program at no cost to priests. Such benefits are outlined in more detail in the Pastoral Center or Parish, School and Cemetery Employee Handbook as applicable.

Priests may change their insurance coverage annually during open enrollment if applicable.

The Diocese provides Medicare supplemental coverage to retired priests at no cost. The retired priest must; however, pay the full cost of Medicare Part B.

COBRA

Upon separation from the DORAE, health and dental insurance may continue under provisions of COBRA at the sole discretion of the Diocesan Bishop.

Medicare Secondary Payer (MSP) Rules

Medicare is a federal health benefits program based on age (65 or over). When active priests who are enrolled in the group health plan become Medicare-eligible, the health plan may remain primary (for processing medical claims) and Medicare may become secondary depending on the number of employees at the employing entity. Because of the complex nature of the MSP rules, all priests must contact the Human Resources Department at least four months prior to their 65th birthday to ensure proper coverage. These Medicare rules are subject to federal regulation and change.

Flexible Spending Account

Priests may participate in a Flexible Spending Account (FSA). An FSA allows participants to save taxes on qualified expenses. A Flexible Spending Account allows you to pay for qualified dental, vision and medical care expenses not covered by insurance with contributions taken from your pay on a pre-tax basis. Qualified expenses include co-pays, coinsurance amounts, and other out-of-pocket expenses. You may elect to contribute up to \$2,500 per calendar year for this account.

You should determine this amount carefully as you may not change FSA elections until the beginning of the next calendar year. Additionally, if your qualified expenses in the calendar year are less than your contributions, by law your remaining balance is forfeited. Claims must be submitted by March 31 for expenses incurred during the previous calendar year. If a priest retires in a plan year, he is eligible for reimbursement of expenses incurred prior to his retirement. Claims must be submitted within 90 days following retirement.

FSA's are administered by a third party. Further information on FSA's, the third party administrator, eligible expense and reimbursement forms can be obtained by contacting Human Resources.

6.02 LIFE MANAGEMENT BALANCE – EMPLOYEE ASSISTANCE PROGRAM

The Diocese offers a free service for all priests, confidential 24/7 Assistant Program that includes: Immediate connection to a licensed mental health professional, your own personal assistant to conduct research, coordinate events, or plan tasks and projects, counseling referrals, financial and legal consultations, child/eldercare resources, online access to work/life tools, articles, videos and interactive courses via your own personal web-portal. Call 1-800-327-2255 or log-on at: www.mybalanceworks.com.

6.03 REMUNERATION

Salary

Priests are paid a salary in accordance with the Priest Remuneration Schedule as published annually by the Diocese in the Compensation and Budget Planning Instructions. A priest may not “opt out” or otherwise increase or decrease compensation as outlined without express written permission of the Diocesan Bishop. This remuneration is taxable compensation and is reported in its entirety on IRS Form W-2. See also Mass Stipends and Sacramental Remuneration Policy. ([link](#))

Taxes

Priests are considered employees for federal and state income tax purposes and self-employed for Social Security and Medicare tax purposes. Because of their self-employed status for Social Security and Medicare tax purposes, priests must pay self-employment tax. Parishes cannot match this tax for priests. Priests may not opt out of the United States Social Security System without the express written permission of the Diocesan Bishop.

Business Expense Policy

Priests are eligible for a tax-free reimbursement from their employing entity for certain business expenses up to a pre-determined amount as published annually by the Diocese in the Compensation and Budget Planning Instructions. To prevent commingling of parish expenses with priest business expenses, priest business expenses cannot be paid with employing entity credit cards or funds. See the Priests' Compensation and Business Expense Policy for details. ([link](#))

Priests must complete the Expense Reimbursement Request and provide required documentation to receive reimbursement. These request forms must be periodically reviewed by either a Lay Trustee or a member of the Finance Council.

6.04 TIME AWAY FROM WORK

Vacation and Weekly Day Off

The Vatican II decree *Presbyterorum ordinis* (N. 20) indicates that bishops are to see to it that their priests are able to have a proper vacation each year (also Canons 533 and 550) within the parameters outlined below.

Priests are entitled to one month (30 days) vacation per fiscal year. The thirty days may not include more than four Sundays. A priest who finds it necessary to be absent for cause beyond four Sundays per year must obtain written permission from the Diocesan Bishop and are responsible for financial reimbursement to the parish or diocesan institution for the cost of his replacement.

1. Each priest is allowed time off of one each week day comprising 24 hours.
2. Vacation time and retreat time must be logged into the Priests' Time Off Database.
3. The annual vacation time does NOT include continuing education, retreat time, authorized sabbaticals, or required military duty for chaplains.
4. Pilgrimages and extended trips are considered as vacation time.
5. Each priest is to provide his own substitute, and the parish or institution to which he is assigned is to pay this substitute.
6. Priests are expected to communicate and negotiate their vacation time and their weekly day off on an amicable basis with the other priests and staff with whom they work.

Leaves of Absence

Priests are eligible for paid leave as outlined in the Pastoral Center or Parish Employee Handbook as applicable. Relevant law or other Diocesan policy may supersede such guidelines. Consult Human Resources for current applicable rules, regulations, and procedures.

6.05 INCOME REPLACEMENT

Short-Term Disability Insurance

Priests who cannot work due to a non-job related disability are covered under the short-term disability program if they meet the eligibility requirements of New York State Disability Benefits Law. Priests will receive full income replacement while disabled. The cost for this insurance is fully covered by the Diocese. A portion of this pay can be offset by New York State Disability Benefits. Priests temporarily disabled for more than seven (7) consecutive calendar days (one week) will be required to complete the necessary paperwork in order to realize these benefits.

The Diocese will continue to provide health insurance coverage for priests who are on authorized disability leave. Before returning to work, priests are required to present documentation from their healthcare provider certifying they are able to return to work. After the 26 weeks of short-term disability benefits concludes, an eligible priest may apply for long-term disability insurance benefits.

Long-Term Disability Insurance

Any priest incardinated in the Diocese of Rochester is eligible to receive long-term disability benefits which may pay up to 60% pre-disability monthly earnings if he cannot work because of a disabling illness or injury extending beyond the maximum short-term disability period.

Approval for long-term disability insurance benefits is determined by the third party administrator upon submission of a completed long-term disability application from the disabled employee.

The Diocese will continue to provide health insurance coverage for priests who are on authorized disability leave. The cost of this insurance is fully paid by the Diocese.

Workers' Compensation

The Diocese carries a Workers' Compensation Insurance Policy which covers all priests in the event that they are injured or become disabled due to occupational illness or injury while on the job. For priests who are injured while on the job or who develop an occupational illness, medical expenses and loss of earnings up to the specified maximum normally will be covered by NYS Workers' Compensation Insurance Policy.

Benefits for lost earnings begin after the seventh calendar day of absence. If the absence continues beyond two weeks, the benefits will also be paid for the first week of absence. Payment of medical expenses begins on the first day of absence.

Reports of accidents or injuries, even if minor, must be filed immediately with Human Resources and the Office of Priest Personnel. [\(link\)](#) Failure to provide notice of an accident or injury, and where necessary to receive medical treatment in a timely manner, may result in serious complications and also may jeopardize a priest's eligibility for medical benefits.

The Diocese will continue to provide health insurance coverage for priests who are on authorized Workers' Compensation leave. Before returning to work, priests are required to present documentation from a health care provider certifying that they are able to return to work. The Diocese pays the entire premium for this insurance policy.

6.06 PREPARING FOR THE FUTURE

It is a continuing responsibility of the Diocesan Bishop, the Office of Priest Personnel and the Presbyterate to maintain a close interest in, collaboration with and support of senior priests. The Office of Priest Personnel and Human Resources will attend to the concerns of our senior priests who will be visited on a regular basis by Diocesan personnel, and will act as advocates for senior priests as needs arise.

Retirement Considerations

- Retirement Age. The customary age for resignation from positions of administration is seventy (70) years, without prejudice to Canon 538.3. The normal retirement date is the last Tuesday in June of the fiscal year in which a priest attains age seventy (70). For a just reason, a priest may request from the Diocesan Bishop resignation as early as age sixty-seven (67) without any reduction in benefits, or, as early as sixty-five (65) with at least thirty (30) years of service and special permission from the Diocesan Bishop, with a reduced benefit. With the Diocesan Bishop's express permission, a priest may continue to serve after the age of 70 on a year-to-year basis following review.
- Pre-Retirement. Human Resources will arrange meetings for all priests approaching the time of their retirement. At these meetings, the various components of the Retirement Plan and other benefits – such as Social Security, Medicare and health insurance – will be

outlined. Opportunities for living accommodations and ministerial work will be developed by the Office of Priest Personnel. The Director of Priest Personnel will be available during this transitional period to assist the priests on an individual basis.

- Process for Retirement. In January of the year that a priest wishes to retire in accord with the above stipulated ages for retirement, he will submit a letter to the Diocesan Bishop asking permission to retire from administrative duties as of the last Tuesday of June of that year. In this letter, the priest is encouraged to share with the Diocesan Bishop his perception of his ministerial service as a senior priest. Each priest will have an opportunity to discuss his future with the Diocesan Bishop during the months preceding his retirement. The Director of Priest Personnel should be made aware of the chosen living arrangements and ministerial service if applicable.

Priests' Retirement Plan

This is intended as a brief introduction to the Priests' Retirement Plan. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents which are available from the Human Resources Department. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.

- Eligibility. Participation is immediate upon incardination in the Diocese of Rochester as an Ordained Priest.
- Diocesan Service. Diocesan Service refers to years (or fractions of years) during which a priest is paid remuneration by a parish or affiliated employer in the Diocese of Rochester. A priest receives a year of pension accrual for each year that he completes 1,000 hours of service with a DORAE. Priests on Special Assignment from the Diocesan Bishop, who work in non-diocesan institutions, will have their term of service applied to the Retirement Plan by contracting to have the annual contribution paid to the Diocesan Plan.
- Vesting. An incardinated priest will be vested in his accrued Diocesan Pension benefit after three (3) years of service as a priest providing he worked at least 1,000 in each year. (To determine eligibility for vesting, service in other dioceses (prior to and subsequent to work in Rochester), as well as in the Diocese of Rochester, is counted. However, in calculating the benefit payable from this Plan, only service in the Diocese of Rochester will be used.)
- Retirement Ages. The normal retirement date is the last Tuesday in June of the fiscal year in which a priest attains age 70. If you have at least 30 years of Diocesan service, you may, with the permission of the Diocesan Bishop and based upon special circumstances, be eligible to retire early. The early retirement benefit will be reduced according to the table below.
- Normal Retirement Benefit. The current maximum monthly benefit payable will be paid to those priest members of the Plan who retire on the Normal Retirement Date with thirty (30) years of service to the Diocese.
- Early Retirement Benefit. The percent of accrued benefit payable for retirement prior to age sixty-seven (67) is:

<u>Retirement Age</u>	<u>Percent of Benefit Payable</u>
67	100%
66	95%

65

90%

(The reduction is 0.4167% per month younger than 67)

- Funding. Contributions adequate to meet normal costs and the amortization of past-service liabilities will be made annually by each parish, diocesan institution, and those institutions who contract with the Diocese for the service of a priest on their staff.
- Diocese of Rochester Pension Committee. This committee oversees the administration of the Diocesan pension plans and advises the Diocesan Bishop.
- Plan Changes. Any change in the Plan provisions requires the recommendation of the Pension Committee and can be effected only by the approval of the Diocesan Bishop.

Tax-Deferred Annuity 403(b) Plan

As a service, the Diocese provides priests, who are employed by various corporations, with a 403(b) plan that allows tax-deferred savings for retirement. Money cannot be withdrawn from the Plan while the participant is employed by the DORAE. Distributions can be taken after separation from service.

Plan participants may elect to contribute either a percentage of their compensation or a flat dollar amount on a pre-tax basis, through payroll deduction to the 403(b) plan, subject to the terms of the plan and certain established federal limitations. Once priests are enrolled in the plan, contributions remain the same until they elect to stop, increase or decrease savings. Elections can be changed at any time.

Priests who participate in the 403(b) Plan may also receive an employer match. At the end of each calendar year their 403(b) will be credited on a dollar-for-dollar basis up to \$600 matching their own contribution for that year.

Contact the Human Resources Department or the Plan Administrator for additional investment information or fund prospectus.

7.00 GENERAL WELFARE

7.01 POWER OF ATTORNEY AND HEALTHCARE PROXY

Priests might consider the possibility of arranging for the extension of Power of Attorney should they become disabled or unable to handle their financial affairs. A civil attorney can assist you in this matter.

It is strongly urged that all priests make their wishes well known as to what extraordinary means to use and which not to use in those circumstances when the priest is incapacitated and no longer able to speak for himself. It can be excruciating for family members and others to try to make these decisions when the wishes of the sick person are not known. It is extremely important that someone serve as a personal representative of the sick person in order to fulfill his wishes should he become incapacitated and unable to speak for himself. This is called the Durable Power of Attorney for health care decisions.

7.02 LAST WILL, FUNERAL AND BURIAL INSTRUCTIONS

Funeral and Burial Instructions

The Diocesan Bishop requires that current Funeral and Burial Instruction must be maintained in the priest's personnel file at the Pastoral Center to alleviate problems during a very stressful and difficult time for the family and those charged with planning the funeral. For your convenience a form has been prepared. [\(link\)](#)

Last Will & Testament

The Diocesan Bishop requires that a sealed Last Will or Testament be filed with the Office of the Chancellor. A Last Will or Testament is a legal declaration of how you wish to dispose of your property after death. It has no force or effect until after the death of the testator and can be canceled or modified at any time before death. Some reminders regarding priests' Wills:

- A. Your Will should be prepared by an attorney practicing law in the State of New York to ensure its validity.
- B. An authentic, signed Will should be kept in a safe-deposit box. Its binder and staples must not be tampered with.
- C. Provisions should be made for proper disposition of sacred vessels and other consecrated or sacred objects.
- D. A Will should not contain burial instructions.
- E. Photocopies of a signed Will have no legal force.
- F. A witness cannot be a beneficiary named in the Will he/she witnesses.

It is important to specify in your Will how you want to provide for charitable works and for others. In the event that you die intestate (without a Will), civil officials will decide the disposition of your property.

8.00 PROFESSIONAL GROWTH AND ON-GOING FORMATION

8.01 CONTINUING EDUCATION

Over a period of two (2) calendar years, active priests, must complete twenty (20) units of Continuing Education as part of their commitment to ongoing professional development. See the Professional Development Policy for more details on continuing education. [\(link\)](#)

8.02 SABBATICALS

The sabbatical is an official, extended period away from current ministry and responsibility for the purpose of ministerial, personal, spiritual, and theological development and enrichment. The sabbatical is distinguished from a vacation (for the purpose of rest, relaxation, and recreation); from a sick leave (for the purpose of regaining one's physical or mental health); and from academic study (to obtain a degree and/or training for a specific position or ministry). A sabbatical is not considered a leave from ministry but a personal and professional renewal for ministry.

1. A sabbatical consists of an assignment by the Diocesan Bishop to:
 - a. Participate in an established program of study or with special permission, a focused, independent project suited to the interests and ministerial needs of the particular priest. (A Lily Foundation Grant application must be approved by the Priest Personnel Board before it is submitted.)
 - b. Include vacation time of one month.
 - c. Attend a formal retreat program.
2. Upon application and interview, the Director of Continuing Education and the Priest Personnel Board make recommendations to the Diocesan Bishop using the following guidelines.
 - a. Depending on the funding available, up to three priests (or pastoral administrators) may be granted a sabbatical each semester. A sabbatical of a shorter duration (3 months or more) may be requested.
 - b. The Diocese will provide financial support for tuition and room and board up to a maximum amount established by the Diocesan Bishop. Vacation and transportation costs are the responsibility of the priest.
 - c. The parish (or diocesan institution) will continue to pay the priest's salary and benefits.
 - d. The Personnel Board will make every effort to provide coverage for a priest while on sabbatical.
 - e. An incardinated priest who is active and not retired is eligible for sabbatical after each seven (7) years of ordination or the date of incardination. This period will include not only time since the priest's most recent sabbatical but also since any other long-term enrichment opportunity such as extended travel, study or personal enrichment activity.
3. Sabbatical Report

A written report is required following the sabbatical experience. A priest will not be eligible for another sabbatical if this report is not submitted.

8.03

RETREAT DAYS

It is important that a priest be provided with the opportunity for spiritual growth and renewal. It is expected that all priests will take a minimum of four days per year as a personal retreat. Expenses associated with a retreat may be reimbursable per the Priests' Compensation and Business Expense Policy. [\(link\)](#)

9.00 OFFICE OF PRIEST PERSONNEL

9.01 OFFICE OF PRIEST PERSONNEL DIRECTOR

The Director of Priest Personnel is a priest appointed by the Diocesan Bishop charged with the specific ministry of serving each priest in matters of personnel.

9.02 PRIEST PERSONNEL BOARD

The Priest Personnel Board is established to help the Office of Priest Personnel Director with oversight and policy implementation.

Membership

The Priest Personnel Board shall be comprised of:

1. The Director of Priest Personnel who functions as an ex-officio member of the Board and serves as its chairperson;
2. Six (6) priests nominated from among six (6) similar-sized lists of active priests (incardinated and located in the Diocese of Rochester and grouped chronologically according to dates of ordination) and elected by the entire incardinated Presbyterate.
3. Vicar General representing the Diocesan Bishop is an ex-officio member.
4. Pastoral Administrator elected by the administrators to represent that group.

Nominations

In July of each year the Director of Priest Personnel shall solicit by mail nominations for each ordination class grouping whose representative is to be elected that year. He will invite the priests in these class groupings to offer three (3) names for consideration from among the members of these ordination classes. The four (4) priests from each group receiving the highest number of nominations shall be contacted by the Director to determine their acceptance of nomination. If necessary, those receiving the next highest number of nominations will then be contacted until a slate of four (4) priests has been assembled for each group.

Elections

In August of each year the Director of Priest Personnel shall send out ballots to all priests. All incardinated priests of the Diocese shall be eligible to vote in the elections. The priest receiving the highest number of votes in each ordination class grouping shall be elected.

Term of Office

The terms of Personnel Board members shall be for three (3) years and may be renewed for an additional three years.

Vacancies

If for any reason a vacancy occurs, the following procedure shall be used:

- a. The priest who received the next highest number of votes in that election shall be called to serve the remainder of the term;

- b. In temporary openings, when one priest leaves the Board (e.g., sabbatical), the last priest to have left the Board in the same ordination class grouping as the vacating priest will be invited back to serve for that period.

Dual Responsibility

The frequency of meetings of the Personnel Board and the consultations outside formal meetings require much time and energy. Therefore, no priest shall serve on the Presbyteral Council and the Personnel Board simultaneously. (This restriction shall apply only to the representative positions on the Presbyteral Council.)

9.03 FILES AND LEGAL DOCUMENTS

Confidentiality

Matters submitted to the Priest Personnel Board shall be held in strict confidence. Complaints against a priest, or requests for his transfer, and their source, shall be brought to his attention, and due process shall be implemented where necessary. It is the right of a priest that he be made aware of such matters.

Personnel Files Personnel files are those files which pertain to an individual priest's sacramental records, academic history, certain medical records (where applicable), and appointment letters, in addition to his pastoral/ministerial evaluations, annual Priest Personnel Board interview forms, commendation and/or complaint letters, and other information appropriate for inclusion by the priest himself, the Diocesan Bishop, or the Director of Priest Personnel. These files are located in the Office of Priest Personnel and are maintained by the Director of Priest Personnel. Access to these files is strictly monitored by the Diocesan Bishop, the Chancellor and the Director of Priest Personnel.

Each priest has a right to review his own personnel file. Inspection of that file may be arranged by appointment with the Director of Priest Personnel. File materials which indicate that the source wishes to remain anonymous may be read by the priest after anonymity has been safeguarded. No unsigned letter, however, will be placed in a priest's personnel file. While a priest may not remove anything from this file, he may add any explanation or clarification he deems appropriate or helpful.

With the exception of public documents which pertain to the priest's ecclesiastical standing (letters of appointment, sacramental certificates, etc.), no copies of materials contained in the personnel file may be made or given out without the authorization of the Diocesan Bishop.

10.00 POLICIES AND PROCEDURES FOR ALLEGATIONS OF SEXUAL ABUSE OF MINORS

10.01 SAFE ENVIRONMENT POLICY

In 2002 the United States Conference of Catholic Bishops (USCCB) issued the *Charter for the Protection of Children and Young People* (the Charter) to provide all dioceses in the United States direction on how to better protect children and vulnerable adults. There are three major components of the Charter that affect all priests:

- A background check must be completed before each priest is assigned and renewed every three years or upon request of employer.
- Successful completion of *Safe and Sacred* training within the first 30 days on the job is mandatory and renewed every three years.
- Code of Conduct compliance is mandatory. (link to App I – Code of Conduct)

10.02 SEXUAL ABUSE BY CLERGY

Overview

For even a single act of sexual abuse of a minor – whenever it occurred – which is admitted or established after an appropriate process in accord with canon law, the offending priest is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of the *Charter for the Protection of Children and Young People*, an offending priest is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own health and well-being.

It is the policy of the Diocese of Rochester that priests are to maintain the integrity of the ministerial relationship at all times. Sexual contact (any touching of the sexual or other intimate parts of a person done for the purpose of sexual gratification of either party) between priests and those in their care is never permissible. This policy addresses sexual abuse of children and non-consenting adults by priests.

Principles

The prompt response of the Diocese of Rochester to complaints of sexual abuse by clergy will include:

1. Appointment by the Diocesan Bishop of a delegate and deputy delegate whose responsibilities include investigation of allegations of sexual abuse;
2. An examination by Church officials of the content of the allegation, in an effort to determine its veracity;
3. Assistance to the victim and his or her family by offering psychological and spiritual counseling as needed;
4. Full respect of the civil and canonical rights of the accused, while seeking to assist him, as well as observance of all applicable civil statutes;
5. Outreach to parishes or communities that are affected.

Immediate Response to Allegation

Any allegation of sexual abuse by a priest is a serious matter. When an allegation is brought to the Diocesan Bishop or his delegate, an investigation is to begin immediately. The delegate notifies the Diocesan Bishop, if the Diocesan Bishop has not already received the allegation himself, and any other persons designated by the Diocesan Bishop that an allegation has been made and an investigation will begin immediately. Complaints will be reported to appropriate civil authority.

Role of the Diocesan Bishop

While several official representatives of the Diocesan Bishop investigate and evaluate the evidence, the Diocesan Bishop makes all final decisions regarding the Diocese's response to the priest and others involved, taking care that canonical and civil rights and laws are upheld. The Diocesan Bishop remains responsible for ensuring that allegations are investigated and appropriate remedies are enacted, while exercising the compassion of Christ.

Review Board

The Diocese has a review board that functions as a confidential consultative body to the Diocesan Bishop. The majority of its members are lay persons not in the employ of the diocese/eparchy (see norm 5 in *Essentials Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2002*). This board advises the Diocesan Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It regularly reviews diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. The board reviews these matters both retrospectively and prospectively and gives advice on all aspects of responses required in connection with these cases.

Investigation of Complaints/Response

When an allegation of sexual abuse is made, the Diocesan Bishop's delegate organizes the investigation promptly as the circumstances demand. The delegate or a member of the Review Board speaks directly with the parties involved. Persons other than the alleged victim or the accused priest may be consulted as needed. A written report of the investigation and its findings is prepared.

Valid Complaint

If the Review Board determines that there is probable cause and that a valid complaint exists, the Diocesan Bishop will receive a written report of the investigation, its findings of fact, and their recommended actions.

Once an allegation is determined to be valid, representative(s) of the Diocese meet with the victim and/or their family to discuss the Diocese's findings and appropriate treatment or therapy.

Appropriate treatment will vary by individual. The diocese will provide reasonable assistance with a victim's treatment or counseling.

If an allegation is determined to be valid, the Diocesan Bishop will place the priest on administrative leave. The priest may not reside in parish or diocesan housing. Those closest to the priest's official assignment, including staff and parishioners, have the right to be told of the

Diocesan Bishop's decision but not the details of the allegation. The obligation of *sustenatio* will be satisfied.

The accused priest is subject to all aspects of ecclesiastical and civil law that apply and will be advised of his canonical rights and his right to retain legal counsel. If the accused priest admits his guilt, the Diocesan Bishop will remove the priest permanently from any assignment, place him on administrative leave and remove him from the parish residence. Other restrictions may be placed upon the priest by competent authority. All appropriate parties will be notified of these actions.

Upon being placed on administrative leave by the Diocesan Bishop, the priest may receive psychological and psychiatric evaluation at a recognized facility of the Diocesan Bishop's choice. Such assessment will include a complete course of action specific to the individual. The priest will be asked to provide appropriate releases in accord with civil law.

The Congregation for the Doctrine of the Faith is competent to assess the appropriate disposition of this most grave delict.

Invalid Complaint

If the Review Board and the Diocesan Bishop agree that there is no probable cause to believe that alleged sexual abuse occurred, the investigation and response process will ordinarily be suspended. The file of the investigation will be retained. The Diocesan Bishop will ensure that the accused and the alleged victim are notified of the termination of the investigation. Every effort will be made to restore the reputation of the accused priest.

Inconclusive Complaint

If the Review Board and the Diocesan Bishop agree that an allegation is unfounded but that the accused priest has or may have acted imprudently, the Diocesan Bishop may restrict actions of the priest and require that he be supervised, monitored, evaluated, or counseled while ensuring that the priest's canonical and civil rights are upheld.

11.00 POLICIES AND PROCEDURES FOR ALLEGATIONS OTHER THAN SEXUAL ABUSE OF MINORS

Recognition of a priest's behavior that can be detrimental to the ecclesial community and care for the good of the people and the ministers of the Church have led to the formulation of the following procedures when allegations of violation of Canon or Civil Law have been made.

1. If a priest is suspected of, or reported to be engaged in, inappropriate behavior, the delegate of the Diocesan Bishop will investigate the charge immediately.
2. If the results of the investigation warrant, a meeting will be convened with the accused priest and his counsel, the diocesan attorney and the Diocesan Bishop. Psychiatric and medical services will be arranged as needed. Reports will be made in particular situations as required by State laws or regulations.
3. Depending on the nature of the charges and the response of the priest to the allegations, some or all of the following steps will be taken:
 - a. After citing the priest and consulting the Promoter of Justice, the Diocesan Bishop, in accordance with C. 1722, will place the priest on administrative leave, which may include the cessation of ministerial functions, removal from place of assignment and medical and psychiatric evaluation. At no time will the priest be permitted to return to the place where he is assigned. This procedure shall not be understood as an indication of guilt or wrongdoing but rather a procedure for the protection of all parties and the common good.
 - b. The matter will be turned over to the investigator(s) who have been designated by the Diocesan Bishop to conduct the preliminary inquiry.
 - c. If the designated investigator, after hearing those who are bringing the complaint, is of the opinion that there is reason to proceed with the case, the accused priest will be heard.
 - d. Once the inquiry is completed, preserving proper confidentiality, the designated investigator is to present a report to the Diocesan Bishop. The Diocesan Bishop will either find that there is no substance to the accusation and the case will be considered closed or that there is a need for further action. In this latter case, the faculties of the priest to preach will be removed, and, the faculty to hear confessions will also be removed. If appropriate, a penal precept will be issued forbidding the priest from approaching the parish or institution to which he was attached.
 - e. The priest may then be referred to a selected treatment center for medical and psychological evaluation where the priest will receive a treatment plan appropriate for the circumstances.
 - f. Once the evaluation has been received, and if it shows that the priest is at least partially responsible for his actions, the team assembled by the Diocesan Bishop to review this case will meet to decide whether it is appropriate to recommend that the matter should be referred to the Diocesan Promoter of Justice in order to begin a canonical penal trial.
 - g. If it is judged opportune to begin a canonical trial, the provisions of C. 1722 will be applied and the accused will be prohibited from exercising sacred ministry or residing in a certain place or territory.

- h. If, after the canonical trial, the priest is found guilty, then the appropriate canonical penalties will be applied (not excluding the eventual possibility of depriving the priest of the priestly state.)
- i. Although removal from office is not a penal procedure but rather administrative (Canons 1740-1 752), the law provides for such actions if the Diocesan Bishop decides that he has sufficient reason, and it serves the common good.

The priest should be reassured that, even though relief of duties and moving to another residence is being demanded of him immediately, this does not necessarily indicate that the Diocesan Bishop believes the allegation to be true. Rather, it is in the best interests of all concerned. The decision of returning to the parish will also be made by the Diocesan Bishop on the same criteria, safeguarding the rights and reputation of the priest but giving priority to the welfare of the people of the parish.

- j. As in the case of alcoholism and chemical dependency, an individual may be unable to acknowledge guilt for inappropriate behavior, or he may refuse to cooperate in either the evaluation of his actions or the proposed treatment. In such cases, the Diocesan Bishop may employ restrictive and canonical procedures.
- k. A priest placed under any restrictions on his ministry must always be informed of the manner by which the action against him may be appealed as well as whether the appeal would have the effect of suspending the action (Canon 1732ff.)
- l. In those instances where a priest has received evaluation or assistance even at the direction of the diocese, his right to privacy remains intact and he is not required to release any information pertaining to the assessment or treatment received.

Appendix I

CODE OF CONDUCT

For the purposes of this Code of Conduct, "Church" refers to the Diocese of Rochester and its affiliated employers. "Church Personnel" refers to lay employees, priests, retired priests, deacons, seminarians, and volunteers of the Diocese of Rochester and its affiliated employers.

Church personnel must uphold Christian values and professional standards of conduct. The public and private conduct of Church personnel can inspire and motivate people, but it can also scandalize and undermine people's faith. All personnel must at all times be aware of the responsibilities that accompany their work. Responsibility for adherence to this Code of Conduct rests with the individual.

To insure adherence, Church leaders, supervisors and Human Resources will:

- Communicate fully and discuss the Code of Conduct with all personnel within their realms of responsibility
- Maintain records of training and acceptance by employees of Employee Handbook and Code of Conduct
- Immediately and appropriately address questions or issues resulting from inappropriate or lack of application of the standards outlined in the Code of Conduct
- Ensure that the Code of Conduct is reviewed and signed by all Church personnel every three years
- *Safe and Sacred* Training and an updated background check will be performed every three years.

A. Reporting Ethical or Professional Misconduct

Church personnel have a duty to report ethical or professional misconduct.

585-328-3228 or 800-388-7177	
Victim Assistance Coordinator	Ext. 1555
Chancellor's Office	Ext. 1213
Human Resources Department	Ext. 1252
Financial Fraud Hotline	Ext. 1266

- A.1 When there is an indication that Church personnel may have violated the law or this Code of Conduct, individuals must:
- Report the issue to a supervisor or next higher authority, AND
 - Refer the matter directly to the Chancellor's Office or the Diocesan Human Resources Dept.
- A.2 When uncertainty exists about whether a situation or course of conduct violates the law or this Code of Conduct, consult with:
- Your supervisor
 - Knowledgeable peers
 - Others knowledgeable about ethical issues, or
 - The Chancellor's Office or the Diocesan Human Resources Department.
- A.3 Even when the obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well being of persons involved.

B. Harassment

Church personnel do not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or parishioners and do not tolerate such harassment by other church employees or volunteers.

- B.1 Harassment encompasses a broad range of physical, written, or verbal behavior that includes, but is not limited to the following:
- Physical or mental abuse
 - Racial insults
 - Derogatory ethnic slur
 - Unwelcome sexual advances or touching
 - Sexual comments or sexual jokes
 - Request for sexual favors used as: a condition of employment, or to affect other personnel decisions, such as promotion or compensation
 - Display of offensive materials
- B.2 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or effect is to create a hostile, offensive, or intimidating work environment.
- B.3 Allegations of harassment must be taken seriously and must be reported immediately to the appropriate person in the parish or institution and to the Pastoral Center. Diocesan procedures will be followed to protect the rights of all involved.

C. Employee or Volunteer Well-being

Employees and volunteers have the duty to be responsible for their own spiritual, physical, mental and emotional health.

- They should be aware of warning signs that indicate potential problems with their own mental, physical and/or spiritual health and seek help immediately whenever they notice behavioral or emotional signs in their professional and/or personal lives. A potential source of help is available through the Employee Assistance Program.

D. Conflict of Interest

Employees have an obligation to conduct business in ways that avoid actual, potential, or perceived conflicts of interest. Employees must refrain from participating in any activity or business venture which conflicts with, appears to conflict with, or could conflict with the interests of the employer. Specifically, employees may not accept personal payment or other benefits from individuals or organizations, nor should they take any action as a representative of the Church for personal gain, the gain of any relative or person, or the gain of an organization of special interest to the employee. Employees also may not accept a second job with, or enter a relationship with any person or organization, where such relationship would create a conflict of interest. Employees are also prohibited from conducting private business on church property.

- D.1 Personnel must sign a Conflict of Interest form annually and disclose all relevant factors that could create a conflict of interest.
- D.2 Conflicts of interest may arise when an employee's independent judgment is impaired by:

- prior dealings,
- personal involvement, or
- becoming an advocate for one (person) against another.

In these circumstances, the employee must disclose the conflict and recuse himself/herself from the situation.

D.3 Supervisors may not give monetary or non-monetary gifts with a value greater than \$25 to employees on behalf of the Pastoral Center.

D.4 Gifts from vendors valued above \$25 must be reported to supervisors.

E. Confidentiality and Proprietary Information

Any information that an employee learns about the Church (including nonpublic financial information and anything related to ministries, policy, personnel, or vendors), or its members, donors, or benefactors as a result of working for the Church that is not publicly available constitutes confidential information. Every employee of the Church has a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed. Except as required in the performance of their duties for the Church, employees may not use or disclose any confidential information to anyone who does not work for the Church and/or who does not have a need to know the information.

F. Outside Employment

Church employees may be allowed outside employment provided that such employment:

- in no way interferes with the performance of the employee's Church-related duties and/or responsibilities;
- is consistent with the Conflict of Interest Policy; and
- is performed outside the employee's approved work schedule and off Church Property/premises. See Employee Private Business Policy.

G. Use of Computer, Network and Communications Systems

The Church makes available computing and networking resources – including computer hardware and software, printers and copiers, computer-based files and data, and all networks including the Internet – to authorized users for purposes consistent with the Church's mission, goals and objectives. The Church maintains a set of policies for acceptable use of its computer, network and communication systems. Use the links below to review the individual policies:

- Information Technology Acceptable Use Policy
- Password Policy
- Social Media Policy

Since these policies may change over time, employees should periodically review them to ensure understanding and compliance. Some departments and entities may have additional guidelines and policies to meet their specific needs.

The computers, networks, communications systems and ancillary hardware, software and files residing on the computers and networks are property of the Church. Accordingly, employees should understand that they waive any expectation of privacy with respect to anything they create, store, send or receive in connection with their use of Church computers, networks, and communication systems.

H. Additional Expectations of Employee Behavior

- H.1 Professional Attire. Employees are asked to wear clothing that is appropriate for their position and the work that they do. Clothing should be neat, clean, and modest, in good taste and not constitute a safety hazard.
- H.2 Guests and Visitors. Guests and visitors will observe the rules and regulations of the Visitor Policy of the campus they are visiting. Guests/visitors should be identified via a sign in/out log and name badge when at Church offices and schools.
- H.3 Use of Church Resources. Church assets are meant for religious and charitable purposes and not personal use with limited exceptions. Church resources include, but are not limited to, facilities, vehicles, equipment, supplies, real property and licensing agreements. We all have a responsibility to protect and safeguard assets from loss, theft, misuse and waste. Any Church assets are to be returned when your employment ceases, or any time it is requested.
- H.4 Telecommunications. Telephone lines are maintained for business purposes only. Employees are requested to limit personal calls to a minimum and place calls only during non-working periods. Church telephones may not be used to make non-business long distance calls.
- H.5 Housekeeping. Employees are responsible for keeping their work areas neat and orderly. The Supervisor reserves the right to exercise judgment as to what is or is not acceptable. The reception area must present a professional impression of orderliness for visitors. The reception area should not be used for employee gatherings.

I. Disciplinary Action

In order for the Church to operate efficiently and safely, it is necessary for all Church personnel to observe the policies and procedures governing the work environment. Employees who violate the rights of others or Diocesan policy may be subject to appropriate remedial and/or disciplinary action.

Before taking disciplinary action, the supervisor will normally meet with the employee to explain why the need for disciplinary action is warranted. Corrective action may include but is not limited to: informal verbal counseling, a verbal reprimand, training or retraining, a written counseling memo, a performance improvement plan, or a letter of reprimand.

Grounds for disciplinary action, up to and including immediate termination of employment, may include, but are not limited to:

- any behavior contrary to Roman Catholic teachings and/or principles
- failure to report an indication of ethical or professional misconduct by other Church personnel.
- breach of confidentiality
- violation of policies or safety rules
- insubordination or other disrespectful conduct
- poor performance
- excessive absenteeism and/or tardiness
- possession of firearms or other weapons
- theft or dishonesty
- willful destruction of Diocesan property

- physical, verbal, or other unlawful or unwelcome harassment
- possession, use or sale of illicit drugs or alcohol on Diocesan property
- reporting to work under the influence of drugs or alcohol
- unauthorized use of Diocese-owned equipment
- falsification of timekeeping records
- fighting or threatening violence in the workplace
- misuse of social media
- any other misconduct.

These examples are not all inclusive, and disciplinary actions will be based on an assessment of all relevant factors. Further, nothing in this policy modifies the Diocese's employment-at-will policy.

J. Special Focus

The two Addenda below – one for Employees Dealing with Unrelated Children, Youth and Vulnerable Adults and the second for Pastoral Counselor and Spiritual Directors – have been established for employees in certain positions. Your Supervisor will inform the employee if either of these applies to a particular position.

Addendum for Employees Dealing with Unrelated Children, Youth and Vulnerable Adults

A. Conduct with Unrelated Children, Youth and Vulnerable Adults

Church personnel working with unrelated children, youth, and vulnerable adults shall maintain an open and trustworthy relationship with the service population.

- A.1 Church personnel must be aware of their own and others' vulnerability when working alone with children, youth, and vulnerable adults. Use a team approach to activities for children, youth, and vulnerable adults.
- A.2 Church personnel must refrain from possession, use and/or being under the influence of alcohol and/or illegal drugs when working with children, youth, and vulnerable adults.
- A.3 Church personnel are not to provide shared or private overnight accommodation for individual children, youth, or vulnerable adults where there is no other adult supervision present. This includes: accommodations in any Church-owned facility, private residence, hotel room, or any other place.

In rare, emergency situations, when accommodation is necessary for the health and well-being of a child, youth, or vulnerable adult, church personnel should take extraordinary care to protect all parties from the appearance of impropriety and from all harm. The emergency accommodation must not be in a cleric's personal residence.

B. Sexual Abuse and Exploitation

Church personnel must not sexually abuse or exploit any person for sexual gain or intimacy. Sexual abuse of minors is destructive to children, families and the community.

B.1 Definition of Terms*:

- B.1.1 Sexual Abuse: When a child or person who is incapable of consent is manipulated, forced or tricked into sexual touch or sexual contact, abuse has taken place. For the purposes of this document, a person is deemed incapable of consent when he or she is less than 18 years old, developmentally disabled, mentally incapacitated or physically helpless.
- B.1.2 Sexual Exploitation: A breach of trust resulting from sexual interaction between a person employed by the Church and a person he/she serve regardless of who initiates the interaction.
- B.1.3 Child Pornography: The federal legal age for defining child pornography includes pornographic images of minors under the age of eighteen.

* Terms defined per the USCCB *Charter for the Protection of Children and Young People* Revised June 2011

- B.2 The acquisition, possession or distribution of pornographic images of minors under the age of eighteen, by whatever means or using whatever technology, is strictly prohibited.
- B.3 All Church personnel must comply with applicable state and local laws regarding incidents of actual or suspected child abuse or sexual exploitation and will comply with diocesan policy regarding these issues.
- B.4 Church personnel should review and know the contents of the child abuse regulations and reporting requirements for the State of New York and should follow those requirements as applicable. See Child Abuse Reporting Policy.

- B.5 Allegations of sexual misconduct must be taken seriously and must be reported to their supervisor and to the Victims' Assistance Coordinator or the Chancellor's Office within 24 hours. Diocesan policies will be followed to protect the rights of all involved.

Addendum for Pastoral Counselors and Spiritual Directors

Some Church personnel provide pastoral, spiritual, and/or therapeutic counseling to individuals, families or other groups. This ministry is generally in response to a specific situation for a limited time. Church Personnel must respect the rights and advance the welfare of each person.

- A. Church personnel shall not step beyond their competence in counseling situations and shall refer to other professionals when appropriate.
- B. Church personnel should carefully consider all possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship.
- C. Church personnel should inform all parties when a real or potential conflict of interest arises. Resolution of the issue must protect the person receiving ministry services.
 - C.1 No Church personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
 - C.2 Church personnel should not provide counseling services to anyone with whom they have a business, professional, or social relationship.
 - C.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director must obtain written consent to continue services from all parties.
- D. Church personnel should not audiotape or videotape sessions.
- E. Church personnel must never engage in sexual intimacies, consensual or nonconsensual, with the persons they counsel. Physical contact is also prohibited.
- F. Church personnel assume the full burden for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- G. Sessions should be conducted in appropriate settings at appropriate times. No sessions may be conducted in private living quarters of a rectory.
- H. Church personnel shall maintain a log of the times and places of sessions with each person being counseled.
- I. Information disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be confidential, except for compelling professional reasons or as required by law.
 - I.1 If there is a clear and imminent danger to the client or to others, Church personnel may disclose only the information necessary to protect those involved and to prevent harm.
 - I.2 Before disclosure is made, if feasible, the Church personnel should inform the person being counseled about the disclosure and the potential consequences.
- J. Church personnel must disclose any information that puts the life of a minor or the lives of any others in jeopardy. Consultation with appropriate supervisory personnel is highly recommended before disclosure.

Appendix II

PRIEST PERSONNEL HANDBOOK RECEIPT AND CONFLICT OF INTEREST DISCLOSURE

(Including Receipt of Appendix I – Code of Conduct and all referenced Diocesan Policies)

I acknowledge receipt of the Priest Personnel Handbook, the Diocese of Rochester Code of Conduct (including any Addendums relevant to my particular position), and all accompanying Diocesan Policies referenced in either document, which describe employment policies and practices, current benefits, and obligations applicable to my service to the Diocese of Rochester and its Affiliated Employers (“DORAE”). I understand that the policies outlined in this Priest Personnel Handbook, Code of Conduct, and Diocesan Policies are management guidelines only, and that DORAE retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to it and its employees. I understand that the Priest Personnel Handbook, Code of Conduct, and Diocesan Policies supersede and replace all prior Priest Personnel Handbooks, Codes of Conduct, and any inconsistent verbal or written policy statements.

I understand that except for the policy of at-will employment, which can only be changed by the Moderator of the Curia or Bishop of Rochester in a signed written agreement, DORAE reserves the right to revise, delete and add to the provisions of this Priest Personnel Handbook, Code of Conduct, and Diocesan Policies at any time without further notice. All such revisions, deletions, or additions will be in writing, and I understand that no oral statements or representations can change the provisions of the Priest Personnel Handbook, Code of Conduct, and Diocesan Policies.

I understand that this Priest Personnel Handbook, Code of Conduct, and Diocesan Policies do not create contractual obligations with respect to any matters they cover, nor do they create a contract guaranteeing that I will be employed for any set period of time. Furthermore, I understand that the policies and benefits described in the Priest Personnel Handbook, Code of Conduct, and Diocesan Policies may be added to, revised or deleted at any time.

DORAE ARE AT-WILL EMPLOYERS. THIS MEANS THAT REGARDLESS OF ANY PROVISION IN THE PRIEST PERSONNEL HANDBOOK, CODE OF CONDUCT, OR DIOCESAN POLICIES, DORAE OR I MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THE PRIEST PERSONNEL HANDBOOK, CODE OF CONDUCT, DIOCESAN POLICIES OR IN ANY DOCUMENT OR STATEMENT, WRITTEN OR ORAL, SHALL LIMIT THE RIGHT TO TERMINATE EMPLOYMENT AT-WILL. NO OFFICER, EMPLOYEE OR REPRESENTATIVE OF DORAE IS AUTHORIZED TO ENTER INTO AN AGREEMENT—EXPRESS OR IMPLIED—WITH ME OR ANY EMPLOYEE FOR EMPLOYMENT FOR A SPECIFIED PERIOD OF TIME UNLESS SUCH AN AGREEMENT IS IN A WRITTEN CONTRACT SIGNED BY THE DIRECTOR OF PRIEST PERSONNEL AND BISHOP OF ROCHESTER.

After reviewing the Conflict of Interest Policy: [\(link\)](#)

- ☐ I have no conflict of interest to report.
- ☐ I have a potential conflict of interest and therefore will complete a Conflict of Interest Disclosure Statement found in the Conflict of Interest Policy. [\(link\)](#)
- ☐ I have read and agree to comply with the contents of this Employee Handbook, Code of Conduct, and referenced Diocesan Policies. Further, if I have any questions regarding their content or interpretation, I will ask the Office of Priest Personnel.