

## **Dissolving Pastoral Relationships: Guidance to Congregations on Severance**

### **I. BACKGROUND:**

Relationships between congregations, ministers of the Word and Sacrament, and certified Christian educators (CCEs) are founded upon God's call to shared ministry. In the same manner, God's people seek to discern God's will as seasons of shared ministry come to an end (Ecclesiastes 3:1).

Ministers and CCEs often relocate – sometimes great distances – to accept a call or an employment offer from a congregation. When these ministries conclude due to factors other than the minister or CCE choosing to begin their ministry in a new community, these servants (and often, their families) face significant and unexpected financial challenges. For example, employment law forbids ministers from collecting unemployment benefits, regardless of the circumstances surrounding their separation. Also, the circumstances surrounding the termination of a relationship vary widely. In the interest of ensuring fair, faithful, and equitable consideration for all parties, in a variety of circumstances, the Presbytery of the James commends this guidance concerning terms of severance.

### **II. PURPOSE:**

The purpose of this guidance is to provide clear and equitable recommendations for severance payments when a pastoral relationship or educator's employment is dissolved.

In no way is this guidance meant to abridge or change guidance contained in the Presbyterian Church (U.S.A.) *Book of Order*. Should a conflict arise, guidance in the *Book of Order* shall apply.

### **III. SCOPE:**

This guidance applies to the Presbytery of the James and all member congregations.

Likewise, this guidance applies to the following individuals:

#### **A. Ministers of the Word and Sacrament**

1. For called and installed pastors, this guidance is effective the first day of service.
2. For pastors serving under Covenant Agreements, this guidance goes into effect after the covenant pastor has served the congregation for three (3) consecutive years.

**B. Certified Christian Educators.** This guidance is effective the first day of service.

### **IV. REASONS FOR SEPARATION:**

The presbytery recognizes five circumstances under which relationships may be dissolved:

- A. **Staff Reduction.** Through no fault of the minister or CCE, their position on staff may be eliminated due to budget considerations, changes to the staffing model, or other circumstances.
- B. **For Cause.** The term “for cause” refers specifically to unacceptable behavior on the part of the minister or educator. Separation for cause shall include, but is not limited to: sexual misconduct, neglect in the care and use of church property or funds, conduct inconsistent with presbytery standards, significant deviation from standards of Reformed theology, or other reasons which might lead to judicial process.
- C. **Requested by Congregation.** Besides reasons “for cause,” congregations may request that presbytery dissolve a relationship with a called and installed minister (*Book of Order* G-2.0903).
- D. **Requested by Session.** Besides reasons “for cause,” sessions may choose:
  - 1. To request that presbytery dissolve a relationship with a covenant pastor.
  - 2. To discontinue employment of a CCE.
- E. **Requested by Minister or Educator.** Relationships may also be dissolved at the request of the minister or educator.

## V. APPROVAL AUTHORITIES:

- A. **For Ministers:** A minister’s service to a congregation in a pastoral relationship, whether installed or temporary, is under the authority of the presbytery (*Book of Order* G-2.0504a. & b.). Accordingly, presbytery must approve any and all requests to begin and end such pastoral relationships.
  - 1. Called and installed: As with every other decision concerning remuneration of a called and installed pastor, the congregation must approve terms of any severance agreement.
  - 2. Temporary: Covenant Agreements for covenant pastors in the presbytery are negotiated between the pastor and the session. Therefore, any severance agreement, while still being subject to presbytery’s approval, does not require formal approval by the congregation
- B. **For Educators:** A CCE’s service to a congregation is as an employee of the church; accordingly, the session shall make all hiring and firing decisions in accordance with its personnel policy. The session is also the final approval authority for any severance agreements.

## VI. RECOMMENDED TERMS OF SEVERANCE:

- A. **Salary and Housing.** The presbytery recommends awarding continuation of salary and housing according to the following schedule.
  - 1. Staff Reduction/Request by Congregation/Request by Session: One month of salary and housing OR one month’s notice for every year served (partial year constitutes full year), up to six months. If the minister or educator has served

the church for ten years or more, the presbytery recommends nine months' worth of notice OR salary and housing.

2. Requested by Minister or Educator. The presbytery makes no recommendation in this circumstance. Use of the manse beyond the date of dissolution may be considered in the negotiations.
  3. For Cause. When a minister or educator is separated for cause, the church may not continue paying salary, housing allowance or benefits, or allow manse use, beyond the date of dissolution.
- B. **Vacation Leave**. Regardless of the reason for dissolution, all unused annual vacation leave should be taken in advance of the date of dissolution or the cash equivalent paid. Vacation leave should be prorated, two and one-half days per month served in the current year. Vacation leave not taken in previous years should not be compensated.
- C. **Study, Sick, or Sabbatical Leave**. Regardless of the reason for dissolution, there is no entitlement to study, sick, or sabbatical leave not taken in the ordinary course before dissolution and none should be granted nor paid for at dissolution.
- D. **Professional Allowances**. Congregations should not pay allowances for professional, travel, entertainment, books, or other expenses after the date of dissolution.
- E. **Pension/Medical**. Congregations should submit payments to the Board of Pensions coincident with any continuation of salary and housing allowance. When terms of call have included compensation for medical expenses not paid under the provisions of the Board of Pensions Medical Plan, this compensation should continue for the period of time that salary is to continue.
- F. **Loans/Equity Sharing**. Parties shall settle outstanding loans and equity sharing arrangements in accordance with the loan or equity sharing agreement. Such loans are part of the terms of call of the minister and any forgiveness of such loans, unless provided for in the loan documentation, constitutes a change in call that must be approved by the congregation and the presbytery. Parties shall consult with the Commission on Ministry prior to negotiating any such agreement.

Approved by COM July 9, 2020

Amended December 14, 2021