



# **Commission on Ministry**

## **Policies and Procedures for Dissolution of Pastoral Relationships**



# **Policies and Procedures for Dissolution of Pastoral Relationships**

## **Basic Principles**

1. These are the adopted policies and procedures of the Presbytery of Des Moines. As such, they will be followed in all cases of the dissolution of the relationship between a pastor and congregation.
2. All agreements or terms for separation are compatible with the Book of Order.
3. All congregations are expected to have an active Personnel Committee or its equivalent. The Commission on Ministry is a resource for the formation and operation of such committees and stands to assist any personnel committee or session in personnel matters. We will not act as 'personnel' professionals.
4. All matters regarding separation or termination of a pastor, including all financial arrangements, shall be documented in writing by the Session with copies to the Commission on Ministry. The basic form to be used for this can be found in Appendix D.
5. The separation process shall be considered incomplete until the congregation and the presbytery vote on the dissolution of the call and any severance terms. Temporary pastoral relationships will be governed by the contract.
6. Once the presbytery has taken its action, all agreements are final. The presbytery will be responsible for monitoring the completion of the agreements made. No further negotiations, changes in the agreement, or alterations may be made after the vote of the presbytery.
7. Sessions shall evaluate each minister's performance annually and adopt performance improvement plans when necessary. All performance improvement plans shall be communicated to the Commission on Ministry.
8. The COM recommends the use of the liturgy for the dissolution of a pastoral a call during the final worship at which the departing pastor is leading. See Appendix E for this liturgy.

## **Parameters for Separation**

Separations are either voluntary or non-voluntary.

## **Resignation/Request for Dissolution**

Voluntary separation may take place after written notice to the session, the vote of the congregation, and the vote of the presbytery. Resigning clergy will be paid the cash equivalent of their unused earned annual vacation at the official date of separation. After giving notice of resignation, the pastor shall make arrangements to leave the position as soon as possible. As a rule, the pastor needs to leave the situation within 30-60 days. An exception to this may occur in cases of retirement which shall be negotiated with the Commission on Ministry. If the pastor is leaving a position and not moving to another call or position, continuation of salary and benefits may be negotiated with the session and the commission. In no cases shall salary and any benefits continue beyond six months following the date of dissolution.

## **Reduction in Work Force**

Separation because of elimination of a position, retrenchment in budget, or for other circumstance arising out of no fault of the pastor, is at the discretion of the session and the congregation with the approval of the presbytery.

Written notice will come to the Commission on Ministry from the session after consultation with the pastor. A minimum of three months' notice or pay in lieu of notice will be given, unless a waiver is approved by COM. The pastor will also be paid the cash equivalent of any unused earned vacation.

In such cases the session and the Commission on Ministry, in consultation with the pastor, need to be sensitive to issues of placement, housing, and the physical needs of the minister and family. This may call for other items to be included in the settlement.

### **Separation for Cause**

Separation for cause shall include, but is not limited to:

- Abuse or misconduct
- Insubordination
- Neglect in the care and use of church property or funds
- Conduct inconsistent with presbytery standards or ordination vows
- Other conduct that rises to the level of malfeasance, or serious or repeated misfeasance in the performance of duties

Separation for cause must be documented and substantiated. All meetings, conversations, and agreements in this process must be documented in written form and placed in both the church and minister's file in the presbytery office.

If a local session or pastor needs assistance in developing and implementing a process for evaluation and review, the Commission on Ministry may be contacted. The Commission on Ministry is available for consultation and counsel in conflict situations. **Only after reasonable attempts at resolution in good faith have failed shall termination negotiations begin.**

After consultation with the pastor and the Commission on Ministry, the session shall put in writing the reason for separation, the financial situation and overall health of the congregation, and note the specific circumstances of the pastor, and a request for the Commission on Ministry to provide any needed assistance in the negotiation of a separation agreement. The Commission on Ministry, in consultation with the session, can then negotiate the specifics of the separation agreement. Salary and benefit continuation may be negotiated, and the cash equivalent of all unused earned annual vacation is figured as of the date of separation. Study or sabbatical leave is generally not granted as part of a severance agreement.

The status of Pastor Emeritus will not be granted to a pastor terminated for cause. Items that are negotiable in the terms of dissolution are:

- Length of time for continuation of salary and benefits – no longer than from zero to three months – or lump sum payment.
- Reimbursable expenses will not normally be continued.
- Date that manse must be vacated (if one is provided).

No other items will be considered negotiable.

There may be situations other than those listed above which do not call for lengthy terms for dissolution. In such cases, as little as one-month continuation of salary and benefits may be granted.

### **Process for Termination/Dissolution**

Note: Nothing in this section or these policies or procedures shall prevent immediate termination without further compensation for serious and egregious misconduct.

1. The session or pastor communicates in writing to the Commission on Ministry liaison the need for assistance in resolving a conflict or dissatisfaction or evaluating an unsatisfactory performance review.
2. The Commission on Ministry will respond with the appropriate resource persons and the liaison to meet with all parties to bring about resolution and inform all of the parties of the presbytery's policy on termination and separation.
3. The session, pastor, and representatives of the Commission on Ministry negotiate, approve, and sign the written severance agreement.
4. The Commission on Ministry approves the written severance agreement.
5. Copies of the written severance agreement are made available to members of the congregation no later than the date of the first call for the congregational meeting at which the dissolution of the call and the written severance is to be considered.
6. The congregation votes on the dissolution of the call and the written severance agreement. This meeting of the congregation is to be moderated by a member of the presbytery appointed by the Commission on Ministry.
7. The Commission on Ministry approves the dissolution and the written severance agreement.

The severance/termination agreement shall contain at least the following items:

1. Identification of the parties – name of pastor, church, and presbytery.
2. The specific reason(s) for separation/termination.
3. All financial agreements, including but not limited to:
  - a. Salary continuation
  - b. Benefits continuation
  - c. Loan repayment or shared equity agreement (where applicable)
  - d. Manse use (where applicable) – normally not to exceed length of salary continuation or maximum of two months, whichever is shorter.
  - e. Compensation for unused earned annual leave/vacation, provision for use of office, equipment, etc. – not to exceed 30 days after date of termination.
  - f. Terms and time limits on physical presence – not to exceed 30 days after date of termination.
4. The agreement shall specify that if a pastor finds full-time employment prior to the end of the term of the agreement, the church's financial obligations end as of the date of said full-time employment begins. Part-time employment will result in appropriate prorated adjustments in financial payments.
5. A global release that releases each party from legal action unless the agreement is not fulfilled.
6. A statement regarding the limited liability of the presbytery (e.g., whether the presbytery will be asked to participate and to what extent).

7. Any financial decisions in which the presbytery is asked to be involved and which may have a financial impact in current or future budget years will require prior consultation with the Budget and Finance Committee for clarification and review.
8. Date and signature of all the parties – the session/congregation, the pastor, and the presbytery.

The statement will be in the minutes of the presbytery, the pastor's file, and the church's file.

**Effective Date of Policies**

Upon a vote of approval by the Presbytery of Des Moines of these policies and procedures, the policies go into effect and supersede any previous policies or actions of the presbytery. No other policies or procedures or actions shall serve as precedents for termination or dissolution agreements. Approved November 2020.

See Appendix D for Agreement for Termination and Separation forms.

# Exit Interview – Agenda with Sessions

Due to the amount of material to be covered, this should normally be a special session meeting with only this agenda.

1. Get acquainted
  - a. Tell the session who you are and your role with COM
  - b. Learn about who they are
  - c. Ask for the questions they wish to get answered
  
2. Get the following information
  - a. What went best during this ending pastorate?
  - b. What does the church need to focus on as it moves into the future?
  - c. What strengths in a new pastor would be helpful?
  
3. Important Information
  - a. Does the session have a preference for their moderator of session?
    - i. The presbytery appoints this person
  
  - b. Board of Pensions items – [www.pensions.org](http://www.pensions.org)
    - i. Forms need to be filed with the Board of Pensions
      1. Salary change form
      2. End of service
  
  - c. Pulpit Supply and Moderator
    - i. The pulpit supply list is found on the presbytery website – if the pulpit supply doesn't appear on the presbytery's approved list and is asked to preach more than once per quarter the Commission on Ministry shall interview the pulpit supply.
    - ii. The presbytery guideline for pulpit supply fee is \$150 per Sunday or \$200 for two services and mileage both ways at the IRS rate. Understand that some people or churches may wish to negotiate a different fee.
    - iii. The presbytery guideline for moderator fee is \$50 plus IRS rate mileage both ways for moderating session meetings and congregational meetings.
  
  - d. Leadership Options
    - i. Options for the in-between time – see **Temporary Pastoral Relations**
      1. Interim
      2. Temporary Supply
      3. Commissioned Ruling Elder Interim
      4. Pulpit Supply
      5. Student Supply

ii. Options for long term

1. These should be considered on those cases where necessary with a process of input from the congregation.
2. Other questions

4. Adjourn

Copies of this report should go to the following:

1. Pastor to the Presbytery of Des Moines
2. Admin Exec/Stated Clerk
3. Moderator of the Commission on Ministry
4. The Clerk of Session

# Exit Interview – Agenda with Departing Pastor

This should normally be a meeting with the pastor only.

1. Get acquainted
  - a. Tell the pastor who you are and your role with COM
  - b. Learn about who they are
  
2. Get the following information
  - a. What went best during this pastorate?
  - b. What did you find most rewarding in this pastorate?
  - c. What does the church need to focus on as it moves into the future?
  - d. What strengths in a new pastor would be helpful?
  
3. Important Information
  - a. Board of Pensions items – [www.pensions.org](http://www.pensions.org)
    - i. Forms need to be filed with the Board of Pensions
      1. End of service
  
4. Adjourn

Copies of this report should go to the following:

1. Pastor to the Presbyteries
2. Admin Exec/Stated Clerk
3. Moderator of the Commission on Ministry
4. The departing pastor