

[HSB-06] On Amending G-2.0804 and Recommendations Regarding a Family Leave Policy—From the Family Leave Policy Task Force
Source: Committee
Committee: [HSB] Health, Safety, and Benefits
Profile #: [COM-068]
Event: 225th General Assembly (2022)
Sponsor: Family Leave Task Force
Type: General Assembly Full Consideration

Action Summary	
Recommendation	Action
On this Item, the General Assembly acted as follows:	Approve as Amended (AA)
On this Item, the Health, Safety, and Benefits Committee acted as follows:	Approve as Amended (CA)

Assembly Action

On this Item, the General Assembly acted as follows:

Approve as Amended

Electronic Vote - Plenary Affirmative:346 Negative:33 Abstaining:
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Final text: Show Amended Text

1. **Direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:** (Text to be deleted is ~~struck through~~; text to be added is [in brackets and underlined].)

Shall G-2.0804 be amended to read as follows:

“The terms of call shall always meet or exceed any minimum requirement of the presbytery in effect when the call is made. The session shall review annually the minister’s terms of call and shall propose for congregational action (G-1.0501) such changes as the session deems appropriate, provided that they meet the presbytery’s minimum requirements. The call shall include [[provision for a minimum of twelve weeks] paid family medical leave and] participation in the benefits plan of the Presbyterian Church (U.S.A.), including both pension and medical coverage, or any successor plan approved by the General Assembly.”

2. **Define “family leave” as including but not limited to the following:**

- Leave to accommodate the birth, foster placement, or adoption of a child;
- Leave to provide care to an ill or disabled family member;
- Leave to heal following a loss or tragic event.

3. **Request that the Administrative Services Group create a sample policy as a template to be used by presbyteries.**

Referral

Referral to ASG from HSB-06

3. Request that the Administrative Services Group create a sample policy as a template to be used by presbyteries.

Status:	Referred to Entity
Refer to Entity:	Administrative Services Group
Expected Completion Date:	

Committee Recommendation

On this Item, the Health, Safety, and Benefits Committee acted as follows:

Approve as Amended

Counted Vote - Committee
Affirmative:34
Negative:3
Abstaining:

Final text: Show Amended Text

Text for Assembly Consideration

1. Direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes: (Text to be deleted is ~~struck through~~; text to be added is [in brackets and underlined].)

Shall G-2.0804 be amended to read as follows:

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2. Define “family leave” as including but not limited to the following:

- Leave to accommodate the birth, foster placement, or adoption of a child;
- Leave to provide care to an ill or disabled family member;
- Leave to heal following a loss or tragic event.

3. Request that the Administrative Services Group create a sample policy as a template to be used by presbyteries.

Recommendation

This item was referred from the 224th General Assembly (2020) for consideration during the 225th General Assembly (2022).

The Family Leave Policy Task Force recommends that the 225th General Assembly (2022) do the following:

1. Direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-2.0804 be amended to read as follows:

(Text to be inserted is *[bracketed and in italics]*.)

“The terms of call shall always meet or exceed any minimum requirement of the presbytery in effect when the call is made. The session shall review annually the minister’s terms of call and shall propose for congregational action (G-1.0501) such changes as the session deems appropriate, provided that they meet the presbytery’s minimum requirements. The call shall include *[provision for twelve weeks paid family medical leave and]* participation in the benefits plan of the Presbyterian Church (U.S.A.), including both pension and medical coverage, or any successor plan approved by the General Assembly.”

2. Define “family leave” as including, but not limited to the following:

- Leave following the birth or adoption of a child;
- Leave to provide care to an ill or disabled family member;
- Leave to heal following a loss or tragic event.

3. Approve a sample policy (included in rationale) to be used as a template for use by presbyteries.

Rationale

In recent years the General Assembly has taken actions to encourage various councils of the church to honor the full humanity of its members and employees. The 221st General Assembly (2014) encouraged presbyteries and churches to create parental leave policies with the minimum of six weeks and 100 percent pay without using other forms of paid leave. The 222nd General Assembly (2016) also voted to encourage the six agencies of the General Assembly (Board of Pensions, Foundation, Office of the General Assembly, Presbyterian Investment and Loan Program, Inc., Presbyterian Mission Agency, and Presbyterian Publishing Corporation) to improve their paid parental leave policies in accordance with the advice of the 221st General Assembly (2014). The 223rd General Assembly (2018) created a task force with a charge of determining the most effective method for ensuring a robust family leave policy throughout the Presbyterian Church (U.S.A.).

The Family Leave Policy Task Force began meeting in September of 2019, first with a two-day, in-person meeting in Chicago and then through a series of video conference calls. In our meetings, we looked into the history, context, possibilities, and theological implications of current practices around family leave and desired changes to parental and family leave.

Through its research and deliberations, the Family Leave Policy Task Force (FLPTF) has determined the most effective method of accomplishing this goal for called and installed ministers is through a constitutional mandate. The FLPTF recommends that “family leave” be interpreted as a dimension of wholeness, one that responds to the need for time away from work:

- Following the birth or adoption of a child;
- in order to provide care to an ill or disabled family member;
- to heal following a loss or tragic event.

The FLPTF believes there are theological, developmental, and societal justifications for committing to a denomination-wide family leave policy, and while this specific recommendation provides for called and installed pastors, the task force would urge the adoption of this same provision of care for all PC(USA) workers.

As proclaimed in our Constitution, the affirmation of God's Sovereignty leads us to recognize "the human tendency to idolatry and tyranny, which calls the people of God to work for the transformation of society by seeking justice ..." (F-2.05). The 216th General Assembly (2004) delineated aspects of these systems of idolatry and tyranny: the U.S. cultural values of materialism, consumerism, and individualism that lead us to evade responsibility to care for our siblings in Christ (*Transforming Families*). We forget the timeless theological truth that "God acts with grace; we respond with gratitude. ... This rhythm of divine action and human response ... shapes all of Christian faith, life, and worship" (W-1.0102).

In accordance with these historic theological affirmations, the 216th General Assembly (2004) of the PC(USA) urged "synods, presbyteries, congregations, and individual Presbyterians to advocate for local, state, and federal legislation that might strengthen family life ... [including] more paid leave for the care of dependent persons and child-related activities" (*Transforming Families* p. 16), calling for better parental leave broadly within the U.S. The FLPTF believes the PC(USA) should heed this call within our own system.

Specific to the welcoming of a new child to a family, family leave policies benefit children, parents, and employers in several ways. Research indicates that children whose mother returns to work within the first twelve weeks after birth are less likely to be breastfed, less likely to be up-to-date on immunizations and pediatric check-ups, and are more likely to present with externalizing behavior problems. In addition, mothers who are able to spend significant time with their child after birth experience fewer depressive symptoms than those who have to return to work earlier. Fathers who are able to have longer leaves remain more involved in child rearing activities even once they've returned to work (research taken from *Paid Leave in the States: A Critical Support for Low-wage Workers and Their Families*, by Sarah Fass, March 2009, http://www.nccp.org/publications/pub_864.html).

According to a 2012 study by the National Center for Children in Poverty, the U.S. is one of only four countries that have no guarantee of paid time off for new parents. The Family and Medical Leave Act (FMLA) allows for job protection; however, there are limits to who this law applies to and it does not mandate that leave be paid. Some states have mandates to address the shortcomings of FMLA, but this issue remains a concern in many states as well as in our church. For many families, if their parental/family leave is not paid, then it is not an option.

Though this policy seeks to support ministers of Word and Sacrament, the FLPTF believes in our connectional nature and the importance of caring for the larger body and not only individuals. Family Leave does benefit the employer or congregation, not just the minister of Word and Sacrament. When similar policies have been introduced at the federal government level, reports show that employees who take paid time off for family care and bereavement are "better able to deal with the financial and personal strains caused by a family member's medical needs or death." The report found that even after the act's implementation, employees used, on average, less than one-third of the sick leave available to them, quelling agency managers' concerns about employee absences following the family definition expansion. In fact, the report found an overall positive impact on employee productivity and morale: "When an employer demonstrates support of its employees through this means, it fosters goodwill and creates a more compassionate family friendly workplace, resulting in a more productive workforce" <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/reports/federal-employees-family-friendly-leave-act/>.

The FLPTF considered several avenues of funding for this policy. After much consideration, it is our belief that as part of the vow taken during ordination/installation services "to pay them fairly and to provide for their welfare as they work among us; to stand by them in trouble and share their joys," funding should be the responsibility of the individual entity/congregation employing the minister of Word and Sacrament. At the same time, as presbyteries are the ones most responsible for setting minimum terms of call for most congregations/entities, we believe it is incumbent upon each presbytery to set and enforce their policy (within the guidelines set forth and with the suggestion of the policy below), facilitating conversations around funding when churches need help.

Paid Family Medical Leave

Sample PC(USA) Policy

Eligibility

All ministers of Word and Sacrament serving a PC(USA) entity and other full-time employees.

Leave Parameters

- Up to 12 weeks (total, regardless of precipitating event or circumstance) of Paid Leave per year, with as much advance notice as possible. Paid Leave may be used—in accordance with need—consecutively or intermittently.
- During Paid Leave, the pastor will continue to receive all benefits in their terms of call, including dues paid to and benefits provided by the Board of Pensions.
- Use of vacation time is not required but may be used to extend leave time at the discretion of the pastor.

Following the period of Paid Leave, the pastor shall be entitled to return to the same position with the same title, terms of call, hours worked, and job description.

Types of Leave

- Parental Leave: Within one year of birth or adoption, a pastor may take up to twelve consecutive or intermittent weeks bonding time
- Caregiver/Family Leave: In times when a family member requires care due to an illness or disability, a pastor may take up to twelve weeks Paid Leave, either consecutively or intermittently, depending on the nature of illness and need
- Personal Loss: In the event of the death of a loved one or a tragic event, a pastor may take up to twelve weeks Paid Leave, either consecutively or intermittently, depending on the nature of event and need

Church [and Other PC(USA) Entity] Support

- While the individual church/entity is responsible for the funding and administration of Paid Family Leave, state-provided disability and paid leave benefits and Board of Pensions financial protection programs may be considered in order to help offset income continuation costs.
- Where possible, communication of mutual needs and planning is vital to minimize disruption for the entity served by the pastor. Pastors are encouraged to anticipate leave with sensitivity around the needs of the church/entity/body, including but not limited to temporary replacement and fulfillment of duties.
- Paid Family Leave is not intended to be a burden but rather a source of joy as churches/entities encourage pastors to take time for the good of their families. In the spirit of the connectional church, councils of the PC(USA) are encouraged to work together to assist individual churches/entities in the development of funding Paid Family Leave in order best to serve the Kingdom of God. Presbyteries and synods are encouraged to facilitate conversations regarding how individual churches/entities might fund Paid Family Leave.

Advice from the ACC

This item proposes to introduce specific minimum terms of call within the *Constitution* of the Presbyterian Church (U.S.A.). This step **creates constitutional problems**.

History

Comparable language came before the 223rd General Assembly (2018) from the Presbytery of Boston in Item 06-14. Item 06-14 suggested that G-2.0804 be amended as follows: “The call shall include participation in the benefits plan of the Presbyterian Church (U.S.A.), including both pension and medical coverage, or any successor plan approve by the General Assembly, *and paid family leave of at least twelve weeks*” (italics indicate proposed insertion). The language of 06-14 (2018) only differs from the language of Recommendation #1 in the placement of the words to be inserted.

The Advisory Committee on the Constitution advised the 223rd General Assembly to disapprove the Item on the following grounds:

1. Introducing administrative particulars into the *Form of Government* would reverse its movement away from a manual of administrative operations. That movement began well before introduction in 2011 of the *Foundations of Presbyterian Polity* the major revision of the *Form of Government*.
2. The constitutional nature of the *Book of Order* articulates general principles and practices of governance but leaves specific details to the contexts where those principles and practices must be carried out.
3. Presbyteries already have, through G-2.0804, the responsibility and authority to establish family leave policies consistent with fair employment practice (see also G-3.0106).
4. Listing in the *Constitution* such a specific requirement will invite insertion of other requirements that should be enacted in more contextually appropriate settings.
5. The purpose of encouraging, and even defining, fair employment practices such as family leave can be accomplished without writing the provision into the *Constitution*.

The 223rd General Assembly (2018) voted to establish the Task Force in question and instructed it to return to the 224th General Assembly (2020) with a recommendation.

Analysis

The language of Item HSB-06 introduces administrative-operational detail into the *Book of Order*. Councils have a responsibility and should be trusted to adopt policies appropriate to their circumstances that support and nurture their members, families and staff (see G-3.0301c, for example).

The choice of “twelve weeks” reflects the societal sensibilities of the present day toward fair employment practices. Likely changes in those sensibilities mean that G-2.0804, if amended in this fashion now, may well require further and repeated amendment in the years ahead. Such amendments are more appropriate in an operations manual than a constitutional document.

Recommendation

For the above reasons, the Advisory Committee on the Constitution advises the Assembly to **disapprove HSB-06**. The non-constitutional measures that the Task Force recommends are better options for promoting such practice.

If the Assembly nevertheless believes that highlighting family leave rises to the level of a constitutional amendment, the Advisory Committee on the Constitution advises that this can be accomplished with less constitutional harm by amending G-3.0106 as follows (*italics* denote words to be inserted; ~~strikeouts~~ denote words to be deleted): “All councils shall adopt and implement a sexual misconduct policy, ~~and~~ a child and youth protection policy, *and a family leave policy.*”

Other Matters

Recommendations #2 and #3 are outside of the Advisory Committee on the Constitution’s purview. The Advisory Committee on the Constitution does, however, **support these two recommendations as appropriate alternatives to amending G-2.0804.**

Other Comments

Advice and Counsel—from the Advocacy Committee for Women’s Concerns (ACWC)

The Advocacy Committee for Women’s Concerns recommends the **approval** of HSB-06.

We first wish to express our thanks to the members of the Family Leave Task Force for their time and energy that went into the crafting of this work. We thank also those who served on Assembly Committee 06 of the 223rd General Assembly (2018) who worked diligently to blend all the family leave resolutions and overtures that came before them.

The PC(USA), as an employer from the national level down to the local congregation, has the opportunity to model just employment practices through family leave policies that encourage balance in life between work and family and are consistent with PC(USA) theology and policies on work and workers:

The church must seek to become a model employer by providing workers with adequate compensation, meaningful opportunities for participation in decision making, leisure time in which to participate in family and community life... The foundation upon which all just employment policies are built is access to employment at a level of compensation that allows people to live in dignity and security. ... All conditions of paid employment, including compensation and working conditions, should sustain and nurture the dignity of individuals, the well-being of households and families...

Advice and Counsel—from the Racial Equity Advocacy Committee (REAC)

The Racial Equity Advocacy Committee advises that the 225th General Assembly (2022) **approve** this item.

The Racial Equity and Advocacy Committee (REAC) supports the need to have appropriate time of leave for ministers.

Comment—from the General Assembly Committee on Representation (GACOR)

The General Assembly Committee on Representation (GACOR) acknowledges that the procedures of employment matter. Unfortunately, in the area of parental and family leave, the denominational instruction is not as clear. GACOR has **continuously supported efforts to create an equitable family leave policy**.

Often governing bodies and individual congregations do not have parental/family leave policies in place and must do so if and when the case arises (putting the individual requesting the leave in a precarious position). This can result in decision-making that focuses on the financial cost of the leave rather than the care of the leader and family. The proposed amendment would provide the framework for individuals needing parental or family leave. Committees on representation at the presbytery and synod levels, or the committees tasked with such work, should serve as a resource to their governing bodies concerning employment practices as stated in G-3.0103.

The General Assembly Committee on Representation is made up of sixteen persons, elected by the General Assembly, who are drawn from members and elders, ruling and teaching, from across the church in accordance with F-1.0403. Its constitutional mandate and central functions are described in G-3.0103 of the Book of Order (Form of Government).

Advice and Counsel—from the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy advises that the 225th General Assembly (2022) **approve** Item HSB-06.

As a denomination, we have affirmed the importance of supporting families. However, in practice, we have created a situation where the majority of our pastors have been left with no parental leave. Without a paid family leave policy, the PC(USA) forces parents to make a choice between proper healthcare for themselves and their children, and adequate income to provide for their families. It forces family members with sick parents or children to choose work over care, which is antithetical to our call to be compassionate to the ill and infirm. By approving this overture, the PC(USA) can shape our polity in a way that shows the value we place on human life and relationships.