



Dissolution of Pastoral Relationships Policy 2021

I. Statement of Purpose

The purpose of this document is to set forth the principles and procedures for dissolution of pastoral relationships and guidelines for dissolution agreements. Most dissolutions of pastoral relationships are without conflict, usually because the pastor wishes to accept a new call or to be Honorably Retired.

Even in such cases, carefully following these guidelines, and using the drafting of a dissolution agreement to cover such matters as ending date, unused vacation, medical coverage for a bridge period, and resolution of any loans the pastor may have from the congregation can result in a smooth transition without conflict.

Although dissolution of the pastoral relationship may follow efforts to resolve conflict, this document does not include the steps that should be taken to resolve the conflict. It does, however, cover the procedure for dissolution and guidelines for dissolution agreements for situations in which efforts at conflict resolution result in dissolution.

The Presbyterian Church is connectional in that the Presbytery, local congregation, and minister are all parties to the pastoral relationship. We covenant to care for one another. When conflict arises, all possible steps to resolve the conflict short of dissolution should be taken. Dissolution agreements for ministers not moving immediately to a new call are to serve as a bridge from one call to another in a vocation where the ability to move to a new position quickly is limited.

This policy does not apply to the termination of transitional, contracted, or temporary pastoral relationships or to the end of a designated pastorate at the end of its agreed-upon term.

II. General Principles

1. Every call in the PC(USA) is an agreement between the Presbytery, the pastor and the congregation. All three parties are involved in every decision regarding the establishment of a pastoral relationship and the dissolution of a pastoral relationship.
2. When the congregation and the pastor are in agreement, the Commission on Ministry (COM) is empowered to act with the power of the Presbytery in this regard and reports all such action to the Presbytery itself. If not in agreement, the action proceeds to the floor of Presbytery as specified in the Book of Order.
3. All official matters regarding the dissolution of a pastoral call shall be documented in writing and shared with all three parties.
4. All conditions for separation shall be compatible with the provisions of the Book of Order.
5. The dissolution process shall be considered incomplete until the minister, the session and the Presbytery approve the dissolution agreement, and the congregation and the Presbytery vote on the dissolution of the call.

III. Book of Order

The relevant provisions of the Book of Order are:

G-2.0901 Congregational Meeting: An installed pastoral relationship may be dissolved only by the Presbytery. Whether the minister of the Word and Sacrament, the congregation, or the Presbytery initiates proceedings for dissolution of the relationship, there shall always be a meeting of the congregation to consider the matter and to consent, or decline to consent, to dissolution.

G-2.0902 Pastor, Co-Pastor or Associate Pastor Requests: A pastor, co-pastor, or associate pastor may request the Presbytery to dissolve the pastoral relationship. The minister of the Word and Sacrament must also state her or his intention to the session. The session shall call a congregational meeting to act upon the request and to make recommendations to the Presbytery. If the congregation does not concur, the Presbytery shall hear from the congregation, through its elected commissioners, the reasons why the Presbytery should not dissolve the pastoral relationship. If the congregation fails to appear, or if its reasons for retaining the relationship are judged insufficient, the request may be granted, and the pastoral relationship dissolved.

G-2.0903 Congregation Requests: If any congregation desires the pastoral relationship to be dissolved, a procedure similar to G-2.0902, above, shall be followed. When a congregation requests the session to call a congregational meeting to dissolve its relationship with its pastor, the session shall call the meeting and request the Presbytery to appoint a moderator for the meeting. If the pastor does not concur with the request to dissolve the relationship, the Presbytery shall hear from him or her the reasons why the Presbytery should not dissolve the relationship. If the pastor fails to appear, or if the reasons for maintaining the relationship are judged insufficient, the relationship may be dissolved.

G-2.0904 Presbytery Action: The Presbytery may inquire into reported difficulties in a congregation and may dissolve the pastoral relationship if, after consultation with the minister of the Word and Sacrament, the session, and the congregation, it finds the church's mission under the Word imperatively demands it.

IV. Process for Dissolution

The need for dissolution of the pastoral relationship comes about for a variety of reasons and the procedures and the nature of financial arrangements may vary with the reasons for dissolution. The goal in each instance is fairness to all parties in light of the reason(s) for dissolution.

A. Minister seeks dissolution

1. Personal reasons or to receive a new call

When a minister seeks to dissolve the pastoral relationship for personal reasons or to receive a new call the minister shall make the request to the Presbytery by notice in writing to the chair of the Commission on Ministry and the Executive Presbyter, and shall advise the session.

2. Conflict with congregation

If efforts to resolve a conflict with the congregation result in the minister seeking to dissolve the pastoral relationship, the minister shall make the request to the Presbytery by notice in writing to the chair of the Commission on Ministry and the Executive Presbyter, and shall advise the session.

B. Congregation seeks dissolution.

1. Reduction in force

Dissolution because of the elimination of a position, budget reduction, for other circumstances due to no fault of the minister, is at the discretion of the congregation, upon recommendation of the session and with the approval of Presbytery. When the session

determines that it will recommend such a dissolution to the congregation it shall send notice in writing to the chair of the Commission on Ministry and the Executive Presbyter.

2. Conflict with minister

If efforts to resolve a conflict with the minister result in the session recommending to the congregation that it dissolve the pastoral relationship, the session shall send notice in writing to the chair of the Commission on Ministry and the Executive Presbyter.

3. Cause

Dissolution for cause shall include, but is not limited to: documented unsatisfactory performance, abuse or misconduct, neglect in the care and use of church property or funds, conduct inconsistent with Presbytery standards or ordination vows.

a. Issues regarding performance of clergy shall be addressed by session in performance reviews. Documentation shall be clear, thorough and substantial.

b. The Commission on Ministry is available to assist sessions in designing and implementing a process for evaluation and review. The Presbytery is also available for consultation and counsel in conflict situations.

c. Only after all reasonable attempts at resolution have failed should termination negotiations begin. Separation for cause shall be clearly documented and thoroughly substantiated. The policies and procedures for dissolution for cause spelled out herein shall be followed in a consistent manner. All meetings, conversations and agreements in this process shall be documented in a written form.

d. Pastor Emeritus/Emerita shall not be granted to a pastor terminated for cause.

C. Presbytery seeks dissolution

1. Conflicts requiring Presbytery involvement

If there are serious difficulties within the life of a congregation, the Presbytery may help seek reconciliation through a variety of methods. An Administrative Commission may be formed for the purpose of settling such difficulties. The Administrative Commission shall then follow the directives of the Book of Order and make appropriate recommendations to the Presbytery. These recommendations may include the dissolution of the pastoral relationship and/or the assuming of original jurisdiction of the church by the Administrative Commission. The Commission may also recommend to the congregation the terms of a severance agreement with the minister.

2. Urgent need for dissolution

The Commission on Ministry may decide that it will recommend to the Presbytery that a pastoral relationship be dissolved immediately. In such cases, the minister will be interviewed by the COM and be given an opportunity to present his or her case and will be informed of the Commission's recommendation. The minister will be advised that the Presbytery must vote on such a recommendation and that the minister will be given an opportunity to address the Presbytery on his or her own behalf.

3. Sexual misconduct

In cases of sexual misconduct, the Sexual Misconduct Policy of the Presbytery and the provisions of the Book of Order will be followed.

D. Death in Service

In the event of the death of the pastor, if they are eligible for Board of Pensions death or retirement benefits, the salary and allowable benefits of that person shall be continued by the congregation to the spouse or dependent for three months from the date on which death occurs or until the Board of Pension death and retirement benefits commence. If they are not eligible for BOP benefits, ordinarily the congregation shall continue the salary and benefits to

the spouse or dependent for three months – or as negotiated with the Commission on Ministry.

E. Additional steps in the dissolution process

After initial contact with the Commission on Ministry, the following procedures shall be followed:

1. The session, or a committee designated for this purpose, will negotiate a dissolution agreement with the minister on behalf of the congregation in accordance with Part IV. If the session chooses to appoint a committee to negotiate the dissolution agreement, then it must be approved by the session before moving forward. Following such approval, the session shall submit the proposed agreement to the Commission on Ministry for approval (usually at the time of requesting dissolution of the pastoral relationship.)
2. Upon approval of the proposed agreement by the Commission on Ministry, the session will call a meeting of the congregation for the purpose of approving the dissolution of the call. A copy of the approved dissolution agreement will be made available to the members of the congregation for informational purposes only no later than the date of the first call for the meeting.
3. The Commission on Ministry shall appoint a moderator for the congregational meeting. The congregation will vote on the dissolution of the call.
4. If the congregation approves the dissolution and the minister and congregation are in agreement, the Commission on Ministry may dissolve the relationship on behalf of the Presbytery and report their action at its next meeting. Otherwise, the dissolution will be presented to Presbytery for action at its next meeting.

V. Dissolution Agreement

The dissolution agreement or agreements sets the terms for the termination of a pastoral relationship, and cover such matters as termination date, unused vacation pay, interim medical coverage, resolution of loans the minister may have from the congregation, and like matters. Settling these matters clearly and documenting the arrangements in writing avoid possible conflicts at the time of departure.

Severance payments for ministers not moving immediately to a new call are to serve as a bridge from one call to another in a vocation where the ability to move to a new position quickly is limited and are spelled out in the dissolution agreement.

The terms of dissolution shall be set forth in a written agreement. The terms are negotiated, in consultation with the Commission on Ministry, between the session, or a committee designated for this purpose, and the minister. The agreement is subject to approval of the Presbytery.

In determining the specific terms of dissolution consideration must be given to the reason(s) for dissolution, the financial ability of the congregation and the circumstances of the minister. The agreement shall include an effective date of dissolution.

A. Financial Terms

1. Salary and Housing

The parties may agree to continuation of salary and housing allowance or use of manse beyond the date of dissolution, depending on the cause for dissolution.

a. Personal Reasons

When the minister seeks dissolution for purely personal reasons or to accept a new call, there shall be no continuation of salary and housing allowance beyond the date of dissolution. Use of a manse beyond the date of dissolution may be considered in the negotiations.

b. **Dismissal for Cause**

When the Pastoral Relationship is dissolved for cause, there shall ordinarily be no continuation of salary, housing allowance or manse use beyond the date of dissolution.

c. **Reduction in Force**

Six months' notice or continuation of salary and housing allowance in lieu of notice will ordinarily be granted. If the minister has served the church for 10 years or more, up to 9 months may be considered.

d. **Conflict**

When the dissolution is the result of conflict, the parties may negotiate continuation of salary and housing allowance. No more than six months continuation shall be granted. If the minister has served the church for ten years or more, up to nine months may be considered.

2. Vacation Leave

Regardless of the reason for dissolution, all unused annual vacation leave shall be taken in advance of the date of dissolution or the cash equivalent paid. Entitlement to vacation leave at the time of dissolution shall be calculated on a pro rata basis. Vacation leave not taken in previous years shall not be compensated, unless otherwise agreed in the terms of call.

3. 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 shall be granted nor paid for at dissolution.

4. Professional Allowances

Allowances for professional, travel, entertainment, books, or other expenses shall not be paid after the date of dissolution.

5. Pension/Medical

Payments to the Board of Pensions shall be made 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 may continue for the period of time that salary is to continue.

6. Loans/Equity Sharing

Outstanding loans and equity sharing arrangements are to be settled at the time of dissolution in accordance with the loan or equity sharing agreement. Such loans are part of the terms of call of the pastor 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. The Commission on Ministry shall be consulted prior to negotiating any such agreement.

7. Arrangements for Payment when there is a Severance Agreement

a. When a minister finds full-time employment prior to the end of the agreement, the church's financial obligations shall end on the beginning date of new full-time employment. When a minister accepts new part-time employment, severance pay may be reduced by the pay received in such part-time employment. Note: this provision does not apply to any employment already maintained by a part-time or bivocational minister at the time of dissolution. The minister shall report all changes in employment status to the Commission on Ministry.

b. Presbytery does not assume financial liability for severance agreements.

- c. Lump sum payments of salary and housing are not permitted. Payments shall be made monthly or on the regular church schedule if by a payroll service.
- B. The following terms shall be part of any severance agreement which provides for compensation following the date of dissolution.
 - 1. The minister's responsibilities include abstinence from any pastoral duties and congregational or church sponsored activities, and accountability to COM with regard to progress in a search process towards employment. The minister shall not conduct worship services for that congregation or its members unless approved by the Commission on Ministry, or in accordance with specific guidelines established by the COM as soon after the dissolution as possible. A minister, who – following a single warning – conducts such shall immediately forfeit all of his or her remaining financial payments under this Severance Agreement.
 - 2. A minister who makes inappropriate contacts with his or her former church shall be sent (by regular mail to the last known address) two written warnings by the Presbytery. Upon a third violation, remaining financial payments under the Severance Agreement shall be forfeited.
 - 3. In cases other than reduction in force, personal reasons accepted by COM, retirement, or the acceptance of a new call, the minister must meet with a counselor (ordinarily on a monthly basis) mutually agreed upon by the minister and the COM and paid for by the minister or using the Employee Assistance Program of the Board of Pensions. Alternatively, and no later than the end of the second month of the agreement, the minister may participate in a Professional Assessment such as that provided at Midwest Ministries whose cost will be shared equally by the minister, congregation, and the Presbytery. Failure to meet these expectations will result in forfeiture of all unpaid financial payments under the Severance Agreement.