

# Process for Pastoral Transition

An installed pastoral relationship may be dissolved only by the presbytery. Whether the teaching elder, 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-2.0901

## Process

### 1. Where conflict is not involved (such as retirement, new call, etc.)

- Session and/or pastor contacts Congregational and Pastoral Care (CPC) to advise them of the impending change. (G-2.0902)
- CPC advises on process and procedure.
  - Session calls special congregational meeting to concur with dissolution.
  - The congregational meeting may be moderated by the installed pastor, or CPC may appoint someone to moderate the congregational meeting and to report the outcome to CPC.
  - Clerk of Session notifies CPC moderator and liaison of outcome of meeting.
- The session, pastor and CPC negotiate, approve and sign a written severance agreement if applicable. (See the severance policy below.)<sup>1</sup>

### 2. The termination process includes the following steps in cases involving conflict:

The congregation may request the dissolution of the pastoral relationship. Such a request is often due to difficulties between the congregation and the teaching elder and the teaching elder may or may not be in agreement with the request of the congregation.

- The session or pastor communicates in writing to CPC the need for assistance in resolving a conflict, dissatisfaction, or evaluating an unsatisfactory performance review.
- CPC 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.
  - At the request of the congregation, the session shall call a congregational meeting and request that the presbytery to appoint a moderator for the meeting (G-1.0504, G-2.0903).
  - CPC appoints someone to moderate the congregational meeting and to report the outcome to CPC.
  - Clerk of Session notifies CPC moderator of outcome of meeting.
- The session, pastor and CPC negotiate, approve and sign a written severance agreement. (See the severance policy below.)
- CPC approves the written severance agreement.<sup>2</sup>

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<sup>1</sup> See below under Presbytery Action for procedure if the congregation does not concur is the dissolution of call.

<sup>2</sup> See below under Presbytery Action for procedure if the pastor does not concur is the dissolution of call.

### 3. In all instances:

- Copies of the written severance agreement (if applicable) 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 are to be considered.
- The congregation votes on the dissolution of the call and the written severance agreement. This is most easily done in two separate motions. This meeting of the congregation is to be moderated by a member of the presbytery appointed by CPC.
- Action at the meeting of the congregation should be sure to include the effective date of dissolution and any agreed upon final terms of compensation or severance if applicable.
- While a congregation may consent or decline to consent to the dissolution of the pastoral relationship, an installed pastoral relationship is dissolved only by the presbytery (G-2.0901).
- The Presbytery approves the dissolution and the written severance agreement (if any). The agreement is not effective until the Presbytery has voted to approve the agreement.

### **Termination Agreement**

The termination agreement should contain the following items where applicable (others may be added depending upon the situation and any specific state laws that may apply):

- identification of the parties (name of pastor, church and presbytery)
- The specific reason(s) for separation / termination
- The dates for:
  - end of ministry responsibilities
  - termination of call
  - final compensation and benefit payments
  - vacating of office/manse
- All financial agreements including but not limited to:
  - salary continuation,
  - benefits continuation,
  - loan repayment or shared equity arrangement (where applicable),
  - manse use (where applicable)
  - compensation for unused earned annual leave (vacation),
  - provision for use of office, equipment, etc.
  - terms and time limits on physical presence

- The agreement shall specify compensation adjustment in case of other employment as provided in the severance policy below. \*
- A clause that releases each party from legal action unless the agreement is not fulfilled, and then only through the Courts of the PC(USA). \*
- A statement regarding the limited liability of the presbytery. For example, whether the presbytery will participate in the agreement and to what extent. \*
- A statement of the specific amounts to be paid if a lump sum payment is to be made.
- Date and signature of all 3 parties: the session (on behalf of the congregation), the pastor and the presbytery.

\* This would not be applicable in instances of retirement or a new call.

If it is wise to prevent unnecessary contact between the former pastor and the church, financial arrangements be conducted through the Presbytery office after the pastor's departure from the church.

The statement is to be put in the presbytery minutes, the pastor's file and the church's file. The pastor also receives a signed copy.

### **Presbytery Action for a Contest Dissolution**

The presbytery may, on occasion, look into reported difficulties within a congregation. In the course of such an inquiry and after consultation with the minister, the session, and the congregation, the presbytery may find that the church's mission under the Word "imperatively demands" the dissolution of the pastoral relationship and take steps toward dissolution (G-2.0904).

Presbyteries are encouraged to consider and plan for particular ways to be pastor and counselor to affected parties and to facilitate relationships during and following any contested dissolution.

No matter who initiates proceedings for dissolution of the pastoral relationship, there shall always be a meeting of the congregation to consider the matter. At that meeting the congregation may act to consent or decline to consent to the dissolution (G-2.0901).

As with the congregation, presbytery action on the dissolution of the pastoral relationship should also include the effective date of dissolution and any agreed upon final terms of compensation or severance. Presbytery should also ensure that appropriate action regarding the teaching elder's presbytery membership be taken. This might include:

- Any change in presbytery membership (validated ministry, member-at-large, honorably retired),
- Transfer to another presbytery,
- Exclusion or release from ordered ministry if there has been disciplinary action, or
- Any other appropriate actions.

If the congregation does not concur with the pastor's request to dissolve the relationship, 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-2.0902).

If the pastor does not concur in the congregation's request to dissolve the pastoral 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 the reasons given for maintaining the relationship are judged insufficient, presbytery may vote to dissolve the relationship. (G-2.0903)

### **POSD Severance Policy**<sup>3</sup>

Congregations that request dissolution of a pastoral relationship are expected to negotiate severance for pastors. Severance is not recommended when pastors leave a church voluntarily, or when there has been misconduct.

#### Definitions

For the purposes of this document, *severance* means all compensation consistent with the pastor's previous terms of call, plus any unused vacation time, pro-rated, up to a maximum of four weeks. Unused Continuing education and book or professional expenses are not included.

For the purposes of this policy, *misconduct* means a provable and serious violation of some objective standard – BOO, law, or similar – and not merely an oversight or trivial infraction. Misconduct does not include ineptness, inexperience, mistakes, or personality clashes.

#### General

1. Recommended severance is full salary, housing, medical, and pension payments of one (1) month for every year of service to the particular church, paid monthly, with a minimum of 3 months and maximum of 12 months.
2. Severance payments should end when new employment is found that includes compensation equivalent to or greater than the former position. If the compensation for new employment is less than the severance payment, the church should pay the difference for the remaining length of the severance agreement.
3. Reimbursement for unused vacation time up to 1 month may be part of the severance package.
4. Severance agreements must be approved by the congregation at the time of the congregational meeting to dissolve the relationship and must be reported to the presbytery through the CPC.
5. Consideration should be given to outplacement services through an approved career development or personal counseling, typically for the length of the severance. The presbytery can be used to escrow payments for use by the pastor with unused funds to be returned to the church.

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<sup>3</sup> Approved by CPC February 10, 2015. Approved by POSD February 27, 2015.

## **Consultation with CPC**

If the Session is unable to resolve difficulties in the church between a congregation and a pastor, it shall consult with CPC, which will attempt to mediate the matter as provided by the *Book of Order* (G-3.0303d).

If the Session and the pastor are unable to reach a satisfactory resolution, then CPC will evaluate the situation and make recommendations, such as the following:

- To request that Presbytery appoint an administrative commission to replace the Session, as provided by the *Book of Order* (G-3.0303e).
- To recommend the dissolution of the pastoral relationship.
- To recommend a severance package to Presbytery.
- Send a written statement of alleged misconduct to the Stated Clerk (D-10.0100).

## **Pastoral Service During Transition**

During this time of pastoral change in the life of the congregation, the presbytery (through the CPC) has the responsibility to oversee this transition by serving as pastor, counselor, and advisor to teaching elders and congregations (G-3.0301 & G-3.0307).

There are a number of issues CPC may wish to address and plan for to assist in a smooth transition for congregations and teaching elders. These may include:

- Ethics for departing pastors
- Exit interviews
- Temporary pastoral leadership, including pulpit supply and session moderator
- Calling of the next installed pastor

All matters regarding pastoral search and contracting with teaching elders, whether called or temporary, must have the approval of the presbytery's Congregational and Pastoral Care ministry team (CPC). The process of pastoral search begins when the pastoral position becomes vacant and continues as follows:

1. Session must decide on a direction, whether to begin a formal search for a called pastor or seek a temporary relationship.
2. Session will then communicate its directional decision to CPC and request permission to proceed. If the chosen direction eventually proves unfruitful, CPC may approve a change in direction.
  - a. To search for a called pastor, CPC must approve the formation of a Pastor Nominating Committee (PNC). This is ordinarily done in response to a request from session upon completion of a mission study.
  - b. To search for a designated pastor, CPC must approve the formation of a Designated Pastor Nominating Committee (DPNC).
  - c. To search for a temporary pastor, see the topic *Temporary Ministers* below.