

Chapter 3
PROCEDURES FOR CHANGES OF CONFERENCE RELATIONS FOR CLERGY
MEMBERS OF THE ANNUAL CONFERENCE¹

A. Leave of Absence (§ 354)

1. Voluntary Leave of Absence (§ 354.1a)

A leave of absence may be either voluntary or involuntary. When probationary, associate, or clergy members in full connection are unable or temporarily choose to cease the duties of full-time ministry, they may request a voluntary leave of absence through the board of ordained ministry. When the district superintendents request that a clergy member be placed on leave, the board of ordained ministry may recommend that the clergy member be placed on an involuntary leave of absence.² This normally will be done only in those cases where all other alternatives have been explored and none are found to be appropriate. The *Discipline* considers the action of placing a person on involuntary leave serious enough that it requires the process to be monitored by the administrative review committee. A report must be given to the annual conference when a recommendation for involuntary leave is made by the board of ordained ministry.

The leave is counted as part of the limit of a clergy member on probation (§ 327, § 354.1).

Any pending judicial complaints under § 362.1d are to be placed in the personnel file of the clergy member.

1 See Board of Ordained Ministry Handbook (2004 – 2008), Chapter 21 for more information.

2 “A written request by the district superintendents to place a clergyperson on involuntary leave of absence...does not constitute a complaint.” (*Decision* 973)

If an extension to the leave of absence is not requested and the clergy member is not willing to return to itinerant ministry, the board of ordained ministry may recommend location or termination of conference membership.

The process for involuntary leave of absence must be initiated whenever a pastor's request to come off of voluntary leave is denied. (*Decisions* 689 and 782) Failure to follow this procedure may result in restitution of clergy status with retroactive salary and benefits. (See *Decision* 895).

When a clergy member requests an end to a leave of absence, the board of ordained ministry reviews the circumstances surrounding the granting of leave to determine whether those circumstances have been alleviated or resolved (§ 354.4). It is important that the bishop and the cabinet be in close communication at this stage and that the board have a record of any judicial complaint which may have been pending at the time a leave of absence was granted (§ 354.1). It is also important to avoid a situation in which the board makes a recommendation to continue or terminate a leave without being aware of the position of the cabinet on the matter.

2. Involuntary Leave of Absence (§ 354.1b)

Involuntary leave of absence differs from voluntary leave in the process by which one enters leave, terminates leave, and reports a leave to the annual conference. Because of the involuntary nature of the action of the annual conference, involuntary leave falls under the administrative fair process provisions. § 362.3.

The Judicial Council affirms the right of the clergy members in full connection in an annual conference to place a person on involuntary leave of absence (*Decision* 524). At the same time the Judicial Council reminds us that careful attention must be given to the details of the process (*Decision* 721).

“Bishops and district superintendents shall not participate as voting members in a hearing . . . concerning involuntary leave of absence and may not remain in the hearing room either prior to the hearing or after the hearing has been concluded but prior to the issuance of a decision by the executive committee of the board of ordained ministry. To do so would violate fair process” *Decision 950*.

Involuntary leave should not be used to avoid the resolution of complaints or charges. Under certain circumstances, it may assist in the resolution of complaints short of trial in combination with other remedial measures. It also may be necessary as an interim action prior to a decision of the annual conference.

The clergy member has a right to a hearing before the bishop, district superintendents and executive committee of the board of ordained ministry prior to being placed on involuntary leave. Fair process demands that twenty days notice of the hearing be given. The purpose of this hearing is to determine whether the recommendation of the board is to be reconsidered because of new information concerning the leave or an error in the process. Recommendations resulting from this hearing may either be reported to the board of ordained ministry, the clergy session of the annual conference, or both.

When the board of ordained ministry recommends involuntary leave of absence, the process leading to the recommendation shall be reviewed by the administrative review committee which shall report its finding to the clergy session of members in full connection with the annual conference.

Careful attention should be given to the administrative review committee ¶ 635. Please note that the purpose of this committee is to be sure that the Disciplinary procedures for involuntary leave of absence and fair process (¶¶ 362.2, 635) are properly followed. This is important since the person being placed on involuntary leave does not have a right to a trial, only a hearing before the bishop, cabinet and executive committee of the board of ordained ministry.

While a clergyperson does not receive a salary while on involuntary leave, s/he may be entitled to pay for and receive health care benefits while on leave. Check with the conference benefits officer prior to the cessation of benefits.

The district superintendents shall request an end to an involuntary leave at least six months prior to the annual conference session.

It is important to note that between sessions of the annual conference, it is the executive committee of the board of ordained ministry that approves or terminates the leave, not the cabinet. While this may not be done without the approval of the bishop or cabinet, it is the executive committee that acts on behalf of the clergy members in full connection subject to ratification at the next clergy session of the annual conference.

3. Personal Leave of Absence for Diaconal Minister

A Diaconal minister may request a personal leave under the provisions of *The 1992 Book of Discipline*. In exceptional circumstances, an extended leave, beyond that described in ¶ 313.1d, may be granted upon the approval of the conference board of [ordained ministry]. When a Diaconal minister is on extended leave, s/he shall not have voice or vote in the annual conference. S/he may request reinstatement upon recommendation of the conference board of ordained ministry and vote of the annual conference.

B. Family Leave (¶ 355)

Family leave may be granted to local pastors, probationary members, associate members, and members in full connection who, because of an immediate family member's need for full-time care, are temporarily unwilling or unable to perform the duties of a pastor.

The significant legal issues to be kept in mind are that all requests or recommendations for changes in conference relationships must be approved by vote of the clergy members in full connection, and that any interim recommendations for change in conference relationships must be approved by the executive committee of the board of ordained ministry.

The most serious issue raised in ¶ 355 is what happens if a person on leave reaches the five-year limit and does not request an extension of time. If the person does not request an extension, cannot be found or is unwilling to return to itinerant ministry, the board of ordained ministry may take steps to locate or terminate the person's relationship with the annual conference pursuant to ¶ 362.

The family leave policy parallels the provisions for a leave of absence found in ¶ 353. However, it gives the annual conference a great deal of flexibility in caring for the needs of conference members seeking such a leave and guarantees certain rights not available to those on a leave of absence (*e.g.*, the limit on probationary membership is extended, the right to participate in the conference health program is continued, and membership on conference committees, commissions, or boards is permitted). (See Nos. 4, 6, and 7 listed above)

Family leave may be initiated or terminated at any time between sessions of the annual conference. Although normally limited to five years, it may be extended by special vote of the annual conference. The ninety-day notice may be waived if that is the will of the annual conference. Although there is no right to financial support by the annual conference, support can be extended by vote of the clergy members in full connection.

C. Maternity/Paternity Leave (§ 356)

Maternity or paternity leave is available to any local pastor, probationary member, associate member, or ordained minister in full connection who requests up to one-fourth of a year at the birth or arrival of a child into the home for purposes of adoption.

Local pastors, probationary members, associate members and members of the annual conference in full connection have a right to a maternity/paternity leave upon request. It is appropriate that all parties cooperate for the good of the Church and the conference members involved. The protocol for requesting such a leave does not preclude the possibility that in unusual circumstances, approval for a leave can be granted with less than a ninety-day notification.

Although maternity/paternity leave is a right which the Discipline gives to local pastors, probationary members, associate members, members of the annual conference in full connection, all other voluntary leaves are privileges which must be approved by the clergy session of members in full connection with the annual conference after recommendation by appropriate boards and agencies.

D. Maternity/Paternity Leave for Diaconal Ministers

The rules governing maternity/paternity leave for diaconal ministers are found in *The 1992 Book of Discipline* (§ 313.1b).

E. Transitional Leave for Deacons in Full Connection (§ 357)

The status of a deacon in full connection who is in good standing and who is in-between appointments shall be transitional leave. The purpose of transitional leave is to provide time for the deacon in full connection to seek and secure an appointable position—compensated or volunteer. Transitional leave may be granted with the permission of the bishop and the executive committee of the board of ordained ministry.

F. Incapacity Leave (§ 358)

An incapacity leave may be granted or required of clergy when they are unable to perform their ministerial work because of incapacity due to health matters and disabling conditions. This leave may be requested by a clergy member, or it may be initiated by the cabinet without the pastor's consent. It may be granted or required between sessions of the annual conference.

Because of the sensitive nature of involuntary changes in conference relationships, a cabinet should be very cautious about recommending or requiring an involuntary incapacity leave. The fair process provisions of § 362.2 should be followed, and the district superintendents should only take action when the executive committee of the board of ordained ministry has indicated its approval with a vote of its members. Although not required by the Discipline, it is recommended that the process leading up to an involuntary disability leave be examined by the administrative review committee and a report be made to the clergy members in full connection of the annual conference.

G. Disability Leave for Diaconal Ministers

Diaconal ministers may receive a disability leave under the provisions of *The 1992 Book of Discipline* § 313.1a.

H. Involuntary Retirement (§ 359.3)

Under normal circumstances, requests for retirement are sent to the bishop, cabinet, and board of ordained ministry. Annual conference action on retirement is then taken upon recommendation of the board of ordained ministry. In rare instances, the board may recommend the retirement of a conference member without his or her consent.

Although constitutionally acceptable and affirmed in *Decision 522*, such action should be taken with extreme caution and only when all other options have been exhausted.

“The district superintendent named by the bishop as a representative of the cabinet shall not participate in the deliberations of the board and its committees, and voting in such bodies, on the administrative processes related to the involuntary retirement. In any such matter, the district superintendent shall not be present for the deliberations and the vote, and shall not discuss with the board of ordained ministry and its committees substantive issues in the absence of the responding clergy person.”

Decision 917.

I. Honorable Location (§ 360)

The board of ordained ministry shall interview clergy requesting honorable location and make a recommendation to the annual conference. Those recommended shall be in good standing, shall not be under judicial complaints, and shall intend to discontinue service in the itinerant ministry. A certificate of location shall be signed by the bishop and given to those granted location. The board of ordained ministry shall provide guidance and counsel to conference members entering honorable location.

Honorable location is not an acceptable alternative when the cabinet has a judicial complaint which should be forwarded to the committee on investigation. Clergy on honorable location retain their orders, maintain a relationship with the annual conference through the charge conference where membership is held, and are accountable for their character and the performance of ministry.

Located Ministers may apply for and be granted the status of honorable location retired.

“Each Annual Conference has authority to determine health benefits for its clergy and the requirements for eligibility. A person granted the status of honorable location-retired may qualify for pension” *Decision 717*.

It is important to remember that both the annual conference and the pastor in charge are responsible for supervising the ministerial service of a clergy person on honorable location. Only ministers of good moral character and conduct and a good service record should be allowed to enter or be permitted to continue on location.

J. Withdrawal (¶ 361)

1. To Unite With Another Denomination (¶ 361.1)

Ordained members in good standing may surrender their credentials and withdraw to unite with another denomination. When authorized by the annual conference, the bishop and conference secretary may return these credentials with an inscription documenting that the person is no longer an ordained clergy in The United Methodist Church. (See *Decision 696*)

When judicial complaints or charges are pending or are under consideration by the committee on investigation, the conference has the right to retain the credentials of a conference member seeking to unite with another denomination. When judicial action is pending, it is the responsibility of the cabinet and the board to share information on the complaint when requested by the judicatory receiving the conference member.

2. Withdrawal from the Ordained Ministerial Office (¶ 361.2)

Associate members and full conference members in good standing may resign their ministerial office and withdraw from the conference. Credentials are to be given to the district superintendent and deposited with the conference secretary. Membership may be transferred to a local church after consultation with the pastor.

3. Under Complaints Or Charges (§ 361.3)

When clergy members are accused of an offense under ¶ 2702 and desire to withdraw from the membership of the annual conference, their credentials shall be surrendered to the district superintendent for deposit with the conference secretary. The complaints or charges shall be placed in the permanent personnel files of the annual conference maintained by the conference secretary or other officer designated as the custodian.

An ordained minister who withdraws under complaints or charges forfeits the constitutional right to trial. *Decision 691.*

When a complaint under ¶362 is made against a clergy member or a diaconal minister who then withdraws from the Church or conference, the record shall indicate “withdrawn under charges” or “withdrawn under complaint”, whichever is appropriate. ¶ 2719.2

4. Between Conference Sessions (§ 361.4)

When withdrawal or surrender of the office of an ordained minister occurs between sessions of the annual conference under ¶361.1, .2, or .3, credentials are surrendered to the district superintendent, and a letter of withdrawal along with any complaints or charges are to be given to the conference secretary for deposit in the permanent personnel files of the annual conference. This interim action shall be reported by the board of ordained ministry for confirmation at the next session of the annual conference.

When a person withdraws between sessions of the annual conference, that withdrawal becomes effective immediately. *Decision 691.*

5. Withdrawal of Diaconal Ministers

Diaconal ministers may voluntarily withdraw from membership in the annual conference under the provisions of *The 1992 Book of Discipline*, ¶ 313.3.

6. Credentials of Ministers Who Have Withdrawn

A minister who desires to withdraw will be asked to surrender his or her credentials. ¶ 2719.2. Surrender of the credentials is administrative, and may be indicative but not determinative of whether the clergy has intentionally resigned. The clergy's intent to resign, and the acceptance of that resignation, is the act that is relevant, not the location of the credentials. Similarly, if a clergy should lose her credentials, she does not automatically forfeit her status as clergy.

K. Administrative Location (¶ 362.4c)

When the cabinet finds that a clergy member of the annual conference is unable to competently and effectively perform the duties of itinerant ministry, they may refer the matter to the board of ordained ministry for a recommendation concerning administrative location. The cabinet may not participate in this deliberation. *Decisions* 689, 917, 950. When received by the board, the request of the cabinet may either be referred to the board as a whole or to a committee of the board which deals with matters of conference relations (other than the executive committee). The fair process provisions of ¶ 362.2 must be followed in any administrative location procedure. See *Decisions* 695 and 643.

Whenever the board of ordained ministry considers a recommendation for administrative location, the chairperson of the board of ordained ministry shall inform the chairperson of the administrative review committee (§ 635) of the board's consideration and action. The administrative review committee shall make a report to the clergy session of members in full connection on the entire process leading to a recommendation for administrative location. The purpose of the report is to document that the *Disciplinary* provisions for administrative location were followed.

The administrative review committee does not assess the merits of a recommendation for administrative location, but simply makes sure that the provisions of the *Discipline* have been followed. It may wish to report on additional actions taken by the bishop, board, or cabinet that go beyond those required by the *Discipline*. At any point in the process, it also may wish to voice its concern if the required steps have not been followed and recommend remedial action to the bishop or chairperson of the board of ordained ministry. The committee has the right to retain in confidence, a complete record of the matters it reviews.

L. Involuntary Termination of Diaconal Minister

A diaconal minister's relationship to the Annual Conference may be terminated by a two-thirds vote of the members of the annual conference on recommendation of the Board of [Ordained Ministry]. Termination may be recommended, in consultation with the diaconal minister in question, on the basis of incompetence in professional function, indifference to the work of the ministry, or personal conduct which is deemed seriously to impair usefulness as a diaconal minister. *Discipline (1992)*, ¶ 313.3b.