



THE
EPISCOPAL DIOCESE
OF LONG ISLAND

Leadership Responsibilities, Diocesan Policies, Canons, and New York State Law

Presentation by:

The Rt. Rev. Lawrence C. Provenzano

Bishop of Long Island

James W. Weller, Esq.

Chancellor, Diocese of Long Island

Human Resources and the Management of Employees

- Safe church training
- Protection of children/vulnerable adults
- Avoidance of sexual harassment

Human Resources and the Management of Employees

- Hiring and retention of employees
 - Background searches and qualifications
 - Written contract
 - Mandates on overtime
 - Discipline, Firing
 - Clear procedures, follow them
 - Assume they are recording you
 - Don't pull punches

Governance Issues Related to the Operation of a Parish

- Relevant provisions found in the canons and New York State Religious Corporations Law, sections 40-49

Governance Issues Related to the Operation of a Parish

- Rector – Head of Church
 - Vestries issue a “call,” he or she is an employee of the parish
 - Runs vestry meetings (Warden in absence)
 - Fiduciary
 - Authority to bind church
 - Have contracts reviewed by attorney or send to Chancellor

Governance Issues Related to the Operation of a Parish

- Vestry
 - Must be qualified voters (baptized, regular attendance, regular support)
 - Meetings – require attendance of rector or warden and majority of vestry
 - 1/3 each year elected
 - Can be term limits

Governance Issues Related to the Operation of a Parish

- Wardens
 - Must be qualified voters (baptized, regular attendance, regular support)
 - 2-year staggered terms
 - Can be term limits

Governance Issues Related to the Operation of a Parish

- Annual Meeting – elections Section 43 of NY RCL
 - Notice of Annual Meeting must be provided
 - Rector runs or if absent a warden
 - Presiding officer determines qualifications of voters, reviews votes and determines winners

Governance Issues Related to the Operation of a Parish

- Annual Meeting – elections Section 43 of NY RCL
 - Qualifications
 - persons of full age (18) (national (TEC) canon says 16, but state law 18 and EDLI Title II, Canon 3 says 18), belonging to parish, baptized (Christian baptism, could be another denomination)
 - regular attendance for at least 12 months
 - contributors to support for at least 12 months
(Requirements set forth in RCL 43. Nothing more in canons for diocese.)

Governance Issues Related to the Operation of a Parish

- Annual Meeting – elections Section 43 of NY RCL
 - Made by majority of those voting (not in attendance)
 - Can't vote by proxy
 - 1/3 of vestry (3 year terms); 1 of two wardens (2 year terms)
 - Changing date of annual meeting
 - Have to give notice, becomes effective next year;
file amendment to certificate of incorporation with county clerk

Governance Issues Related to the Operation of a Parish

- **Bylaws** cannot conflict with New York

Religious Corporations Law

Business Operations of a Parish

- Pursuant to Canons of the Diocese (Title V, Canon 3) and the Episcopal Church we utilize the Manual of Business Methods in Church Affairs
 - Covers bookkeeping practices, internal controls of bank accounts, investments, the use of discretionary funds, records management. Has forms used by treasurers

Issues Related to Parish Property

- Property is held in trust
 - If declared extinct Trustees of the Estate take possession (Title VII, Canon 3, Section VI)

Issues Related to Parish Property

- Leases of property
 - When is it a lease?
 - What if only 1 hour a week?
 - Cell towers?
 - Tax exempt status of property/tax exemption of income
 - Approval by Standing Committee/Bishop
 - Historic designations

Issues Related to Parish Property

- Leases of property
 - Who are you leasing to and how to protect the parish?
Need to formalize, don't be casual
 - Insurance
 - Indemnification
 - Real Estate Dept can help on assessing value, finding tenants

Miscellaneous Issues

- Dealings with Diocese
 - Annual convention
 - Parochial report must be submitted in advance
- New York City Department of Finance
- Violations

Miscellaneous Issues

- Insurance
 - Many parishes have coverage through the Diocese, but not all and may have umbrella policies
- Lawsuits
 - Can't ignore, there are risks in default
 - Must give notice to Church Insurance

Questions

James W. Weller, Esq.

Chancellor, Diocese of Long Island

jweller@dioceseli.org

516-248-4800 x192