

Recommendation

The Presbytery of the Highlands of New Jersey overtures the 227th General Assembly (2026) of the PC(USA) to do the following:

“1. Direct the Moderator(s) of the General Assembly, in consultation with the Office of the Stated Clerk and the General Assembly Committee on Representation, to appoint a team of no less than twelve and no more than fifteen ruling and teaching elders to review the implications of D-7.0902b which mandates that administrative leave be paid leave.

“2. Direct the team to make a final report of their work to the 228th General Assembly (2028), along with a policy that preserves the due process rights of all ministers of the Word and Sacrament accused of misconduct, while addressing the financial implications placed upon churches and/or presbyteries in such a situation.

Rationale

As of July 4, 2025, the 226th General Assembly (2024) amendment specifying that administrative leave be paid took effect.

The Presbytery of the Highlands of New Jersey agrees that due process is a value of the highest order, and finds the rationale provided by the amendment’s authors sound. On this, there is no disagreement.

What the action did not do, however, is provide guidance or a process by which churches and/or presbyteries might adequately respond to a situation that could prove devastating financially.

By this overture, a team would be created to fully explore the implications of D-7.0902b, and in so doing, provide a process that can both uphold the value of due process, and at the same time not threaten the financial sustainability of a church or presbytery.

Considerations

1. There are churches and presbyteries where salary and benefits can exceed \$100,000 annually.
2. Paid leave would be in addition to the costs of having a temporary pastoral relationship for which similar compensation is required.

Questions in Need of Answers

With this overture, the Presbytery of the Highlands of New Jersey asks the following questions, in hope that the proposed team can provide policy guidance and process.

1. Does “paid administrative leave” include both salary and benefits?
2. What if the situation leads a presbytery to request short-term disability but pastor refuses?
3. When on disability, a person gets a percentage of their salary. Should there be a percentage payment in cases of paid administrative leave, rather than the entirety?
4. How is the timeline for paid leave defined? An Investigating Committee can take up to a year to file charges (D-7.1102), unless secular charges have been filed, in which case there is a six-month extension (D-7.1501). Even without secular charges, appeals to the synod and General Assembly Permanent Judicial Commission’s can take as long as two years to complete. Is the leave paid through the entire process?
5. Does paid administrative leave end with the initial Decision of a Permanent Judicial Commission? If the relationship is not dissolved at that point, what happens during appeal?
6. What if the allegation arises from a previous church context? That is, when a pastor new to Setting B is charged with misconduct in Setting A years before. (This is not a hypothetical situation but one this Presbytery is seeking to resolve at the time of this writing.) If it is an allegation of sexual misconduct, the

Presbytery would put the teaching elder on paid administrative leave, but would it be paid by Setting B, where there were no allegations, or Setting A, which has already dissolved the relationship?

7. It has been suggested that a conflicted relationship between pastor and congregation that is going on "too long" (not defined) can be dissolved before any Decision is rendered, for the purpose of allowing the church to move forward. Is this correct, and what is the process and policy to do this?
8. Conversely, what are the implications of dissolving what proves to be an innocent pastor's relationship with the congregation, when the driving factor is the expense of paid leave? Especially concerning would be a dissolution under the guise of "failure or being unable to perform," when it is a matter of the church being unable to pay throughout the process?
9. As currently found and understood by the General Assembly Permanent Judicial Commission (see 2024-02), D-7.0902 and any discussion of administrative leave is restricted. The GAPJC wrote that when determining administrative leave, the fact that this is placed under section D-7.09, "ALLEGATIONS OF SEXUAL ABUSE," and the historic restriction on administrative leave to cases of alleged sexual abuse complicates a presbytery's authority...

The Presbytery of the Highlands has submitted a separate overture concerning the limited scope of administrative leave. Whether or not the scope of administrative leave is broadened, questions arise:

- a. If administrative leave remains solely a matter of sexual misconduct, what if disciplinary charges are filed for financial malfeasance or anything other than sexual misconduct? Administrative leave (by whatever name) might be needed, for example, to provide for the pastor's care or because trust between pastor and congregation has been fractured. Due process would demand that the pastor be paid if they are on involuntary leave. As written and placed in the Book of Order, however, that person would not be paid, despite the desire for due process, as the allegation is not sexual misconduct.
- b. One case of sexual misconduct is one too many, but it is a narrow scope of allegations. If the understanding of administrative leave is broadened to encompass other allegations of misconduct or malfeasance, what might be the relatively rare occurrence of being placed on administrative leave for sexual misconduct (but sadly never rare enough) could suddenly be applicable to many more situations where paid enforced leave would be necessary, putting many more churches and presbyteries at risk.
- c. Regarding D-7.0905 PRESBYTERY POLICIES ON ADMINISTRATIVE LEAVE
"Nothing in this section shall preclude a presbytery from establishing its own rules for administrative leave or other restrictions on a minister's service."

Would a presbytery have the authority to establish its own rules for paid administrative leave or other restrictions on a minister's service, or would any such authority be restricted to allegations of sexual misconduct (per 24-02)?

Conclusion

The Presbytery of the Highlands of New Jersey believes that due process should be afforded all persons, and recognizes that unpaid leave puts a person in a very vulnerable position. At the same time, however, the implications of paid administrative leave are not addressed in this recent amendment to the Constitution of the Presbyterian Church (U.S.A.). The denomination can only benefit from a thorough evaluation of the matter, and the development of policy and process appropriate to it.