

**Heartland Pby v. John Doe, Mary Doe, et al.,
Remedial Case No. 197-1,**

**HEARTLAND PRESBYTERY
(formerly Kansas City Union Presbytery)
Respondent-Appellant**

vs.

**JOHN DOE, MARY DOE, et al.
CHILDREN OF CLERGY OF THE
KANSAS CITY UNION PRESBYTERY,
by THEIR NEXT FRIEND,
JOHN R. STOUTIMORE, and
JOHN R. STOUTIMORE,
Complainants-Appellees**

This is a remedial case involving a complaint against the Presbytery of Heartland (formerly the Presbytery of Kansas City Union) (the "Presbytery") complaining of its adoption of a document entitled "Guidelines For Pregnancy leave For Clergywomen" (the "Guidelines"). The Guidelines advise, among other things, inclusion in the terms of call of clergywomen a provision for up to two months pregnancy leave with compensation. The complaint was heard by the Permanent Judicial Commission of the Synod of Mid-America (the "Synod PJC"), and by unanimous decision the Synod PJC held that the Presbytery's adoptions of the Guidelines constituted an irregularity and was therefore void and of no effect on the grounds that such Guidelines violated the intent and spirit as well as the letter of G-9.0104.

The Presbytery appealed the decision of the Synod PJC to the Permanent Judicial Commission of the General Assembly, and the case was duly heard and considered. This Commission finds that the decision of the Synod PJC was in error and is therefore reversed. The complaint against the Presbytery is therefore not sustained. The Presbytery's action in adopting the Guidelines was within the Presbytery's constitutional authority.

That the Guidelines address the proper and legitimate concern of a presbytery for the unique need of clergywomen for temporary medical leave in connection with pregnancy is not in dispute. The basic contention of the complainant is that such a need by clergywomen must be addressed by the presbytery in the broader context of a guideline or policy for temporary medical disability applicable to both clergymen and clergywomen. It is argued that to adopt such a guideline or policy addressing only pregnancy (a condition unique to women) is a prohibited discrimination against clergymen in favor of clergywomen.

The Synod's PJC in sustaining the complaint against the Presbytery's action in adopting the Guidelines did so on the sole ground that such actions by the Presbytery "constitute an irregularity because they violate the intent and spirit as well as the letter of G-9.0104 of the *Book*

of Order." Moreover, the Synod concluded that to the extent the action of the 121st General Assembly of the Presbyterian Church in the United States in adopting a recommendation entitled, "Maternity leave for Women Employed by the Church," might otherwise bear on this matter, such action by the General Assembly had no applicability here for reason that the provisions of G-9.0104 rendered such earlier General Assembly action out of date.

This Commission concludes that the Synod's PJC was in error in so deciding for the following reasons:

1. G-9.0104 (pertaining to the church's governing bodies and full participation and access to representation therein) does not apply to the Guidelines at issue or to the action of the Presbytery in adopting these Guidelines;

2. Even if G-9.0104 were considered applicable to the Guidelines and the Presbytery's action in adopting the same, such Guidelines and adoptive action are not in contravention of G-9.0104; and

3. The above referenced action of the General Assembly of the Presbyterian Church in the United States is not inconsistent with or displaced by G-9.0104.

This Commission therefore decides that the Presbytery was properly acting within its authority to seek to address a need unique to clergywomen, that of temporary medical leave related to pregnancy and birth, and that the Presbytery's action in adopting the Guidelines was not an irregularity and not in violation of the *Book of Order*. Therefore such action and resulting Guidelines are valid and effective.

The Reverend Harvard A. Anderson, the Reverend Robert L. Craghead, and Elder Jose L. Capella were absent and did not participate in the decision. (D-8.1300.)