

DIOCESE OF CHEYENNE



Directory Concerning Personnel Issues of Presbyters

Fourth Edition
Effective May 1, 2015

DIOCESE OF CHEYENNE



DIRECTORY CONCERNING PERSONNEL ISSUES OF PRESBYTERS Fourth Edition

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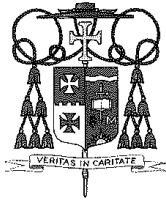
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Diocese of Cheyenne

Office of the Bishop

DECREE

The Presbyteral Council of the Diocese of Cheyenne has been reviewing with me over the last two years the *Directory Concerning Personnel Issues of Presbyters* in an effort to update and amend the *Directory* so that it addresses the current needs and situations of presbyters. The Presbyteral Council has made various recommendations to me and these are now incorporated into a new edition of the *Directory*. This new edition incorporates changes that have occurred in health care, disability and life insurance, retirement, and moving expenses. New norms and instructions concerning guests in rectories, pets, and tobacco use have also been incorporated. Lastly, while a contract between the Bishop of Cheyenne and the Superior of the extern presbyters determines the various financial responsibilities and obligations concerning the support of the extern presbyter, some additional wording has been added to the *Directory*, especially to reflect the situation of foreign national presbyters. I invite all presbyters of the Diocese of Cheyenne to become familiar with the norms and instructions in the Fourth Edition of the *Directory Concerning Personnel Issues of Presbyters*. Some of these changes are minor and others are more significant.

This new *Directory* is part of a twenty-five year history of organizing the norms and instructions which concern presbyters into one document. The first time this occurred was in the *Priests' Personnel Policy of the Diocese of Cheyenne*, which was promulgated on December 12, 1990, and became effective on January 1, 1991. The first *Directory Concerning Personnel Issues of Presbyters* was promulgated three years later on October 19, 1994, and became effective on November 1, 1994. The second edition was promulgated on April 20, 2000, and became effective on May 1, 2000. The third edition was promulgated on June 11, 2004, and became effective on July 1, 2004. Now is the time to issue an updated and revised *Directory*.

Therefore, I, the Most Reverend Paul D. Etienne, DD, STL, Bishop of Cheyenne, by virtue of my office as Diocesan Bishop and out of attentiveness for the presbyters who serve the Diocese of Cheyenne, do hereby promulgate this Fourth Edition of the *Directory Concerning Personnel Issues of Presbyters*. These new norms and instructions become effective on May 1, 2015.

Given in Cheyenne, this April 2, 2015, Holy Thursday.

The Most Reverend Paul D. Etienne, DD, STL
Bishop of Cheyenne

Carol DeLois
Chancellor

DIOCESE OF CHEYENNE



DIRECTORY CONCERNING PERSONNEL ISSUES OF PRESBYTERS

Fourth Edition
Effective May 1, 2015

INTRODUCTION:

This Directory consists of norms and instructions for personnel issues concerning presbyters incardinated or ministering in the Diocese of Cheyenne. Through this Directory, the Bishop of Cheyenne seeks to provide for the ministry, support and care of members of the *presbyterium* in his jurisdiction.¹ This Directory replaces the third edition of July 1, 2004.

This Directory has been composed for internal use and has been formulated according to the norms of ecclesiastical law. Interpretation of this document is left to the Bishop of Cheyenne. Disputes arising between the Bishop of Cheyenne and a presbyter or group of presbyters will be dealt with according to the norms of ecclesiastical law.

I. THE PRESBYTER:

A. General Provisions:

In the Homily of the Ordination of Priests, we are reminded:

... Indeed, Priests are established co-workers of the Order of Bishops, with whom they are joined in the priestly office and with whom they are called to the service of the People of God.

After mature deliberation, these, our brothers, are to be ordained to the Priesthood in the Order of the Presbyterate so as to serve Christ the

¹ *Codex Iuris Canonici Auctoritate Ioannis Pauli PP. II Promulgatus [CIC]* (Vatican City: Libreria Editrice Vaticana, 1989) with modification from Benedict XVI, apostolic letter *Omnium in mentem*: AAS 102 (2010) 8-10, cc. 281 §§1 and 2; 384; 538 §3; 682 §2; 715; 738 §§2 and 3; translations from *Code of Canon, Latin – English, New English Translation*, Second printing, trans. Canon Law Society of America (Washington, DC: Canon Law Society of America, 2012).

Teacher, Priest, and Shepherd, by whose ministry his Body, that is, the Church is built and grows into the People of God, a holy temple.

In being configured to Christ the eternal High Priest and joined to the Priesthood of the Bishops, they will be consecrated as true Priests of the New Testament, to preach the Gospel, to shepherd God’s people, and to celebrate the sacred Liturgy, especially the Lord’s Sacrifice.²

The Bishop of Cheyenne gathers presbyters around him in order to assist him in the three-fold ministry of the Church of teaching, sanctifying and governing.³ The Bishop must, in turn, see to the proper care and support of these presbyters when they are involved in the ecclesiastical ministry, when they are sick and when they retire.⁴ This *Directory* outlines the efforts of the Bishop of Cheyenne to fulfill his responsibilities.

B. Presbyters of the Diocese of Cheyenne:

The Bishop gathers around him presbyters who are incardinated into the Diocese of Cheyenne, and who constitute the stable component of his *presbyterium*. These presbyters are directly accountable to him,⁵ and he is responsible to make provisions for their care and support.⁶ Presbyters may be required to undergo periodic background checks.⁷

C. Other Presbyters Serving in the Diocese of Cheyenne:

In addition to the presbyters incardinated into the Diocese of Cheyenne, presbyters who belong to institutes of consecrated life, societies of apostolic life, personal prelatures, and other dioceses assist the Bishop of Cheyenne in the ministry of the Church in the Diocese of Cheyenne.⁸ The superiors or bishops of these presbyters are responsible for the discipline of these presbyters and for the provisions for their care and support.⁹ The Bishop of Cheyenne supervises any ministry which he has entrusted to them and sees that they are appropriately remunerated for their services.¹⁰ A written agreement between the superior or bishop of these presbyters and the Bishop of Cheyenne is to determine the

² “Homily,” *Rite of Ordination of Several Priests*, n. 123, in *The Roman Pontifical* (Vatican City: Vox Clara Committee, Congregation for Divine Worship and the Discipline of the Sacraments, 2012) 68.

³ Second Vatican Ecumenical Council, decree *Presbyterorum Ordinis*, December 7, 1965, nn. 1, 2 and 7: In *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery, OP (Northport, NY: Costello Publishing, 1984) 863, 864-866, and 875-878.

⁴ See *CIC*, cc. 281 §§1 and 2; 384; 538 §3; 1274 §1.

⁵ See *CIC*, cc. 273; 384.

⁶ See *CIC*, cc. 281 §§1 and 2; 384; 538 §3; 1274 §1.

⁷ See David L. Ricken, DD, JCL, *Diocese of Cheyenne Sexual Misconduct Policy*, December 8, 2003 (Archives of the Diocese of Cheyenne, Cheyenne, WY) n. XI; Congregation for the Clergy, private letter: *Roman Replies and CLSA Advisory Opinions* (2005) 7-9.

⁸ See *CIC*, cc. 271 §§1 and 2; 678 §§2 and 3; 681; 715; 738 §§2 and 3.

⁹ See *CIC*, cc. 273; 618-622; 668; 671; 714; 717; 737; 738 §1.

¹⁰ See *CIC*, cc. 271 §1; 281 §1; 678 §§2 and 3; 681; 715; 738 §§2 and 3.

ministry and the remuneration and benefits provided to the presbyter while ministering in the Diocese of Cheyenne.¹¹ Prior to serving the Diocese of Cheyenne, these presbyters are to present a letter of recommendation from their superior or bishop attesting to the life, morals and studies of the presbyters.¹² Background checks, including references from the superior or bishop of these presbyters and from other priests, deacons and laity who know and have worked with the presbyters, are to be performed before these presbyters are allowed to function in the Diocese of Cheyenne, and subsequent checks may be performed thereafter.¹³

II. INCARDINATION:

A. Incardination upon Ordination:

By ordination to the diaconate, candidates for the presbyterate for the Diocese of Cheyenne are incardinated into the Diocese of Cheyenne.¹⁴ This incardination perdures when they are ordained presbyters.

B. Incardination into the Diocese of Cheyenne:

1. Incardination by Petition

A presbyter desiring to incardinate into the Diocese of Cheyenne must either present a letter from his diocesan bishop expressing the bishop's willingness to excardinate him, should the Bishop of Cheyenne approve the presbyters incardination into the Diocese of Cheyenne, or present a letter from his appropriate superior granting permission for the presbyter to be received *ad experimentum* for the service of the Diocese of Cheyenne.¹⁵ Once received *ad experimentum*, the presbyter is encouraged

¹¹ See *CIC*, cc. 271 §1; 681 §2; 715 §2; 738 §§2 and 3.

¹² See *Diocese of Cheyenne Sexual Misconduct Policy*, n. XI; United States Conference of Catholic Bishops, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, March 1, 2003, norm 12, in *Promise to Protect; Pledge to Heal*, United States Conference of Catholic Bishops (Washington, DC, USCCB Publishing, 2002) 33; *Idem*, *Charter for the Protection of Children and Young People, Revised Edition*, June 2011, art. 14, in *Promise to Protect; Pledge to Heal*, 15-16; National Conference of Catholic Bishops, *Guidelines on the Assessment of Clergy and Religious for Assignment*, November 18, 1993: *The Jurist* 54 (1994) 623-628.

¹³ See *Diocese of Cheyenne Sexual Misconduct Policy*, n. XI; *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, norm 12, in *Promise to Protect; Pledge to Heal*, 33; *Charter for the Protection of Children and Young People, Revised Edition*, art. 13, in *Promise to Protect; Pledge to Heal*, 15-16.

¹⁴ See *CIC*, c. 266 §1.

¹⁵ See *CIC*, cc. 693; 727; 743.

to apply for probationary membership in the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne.¹⁶

Ordinarily, the Bishop of Cheyenne will not consider a request for incardination into the Diocese of Cheyenne until the presbyter has lived and ministered in the Diocese for a period of three (3) years. After having observed this prescription, the presbyter, who desires to be considered for incardination into Diocese of Cheyenne, must petition in writing the Bishop of Cheyenne for incardination and present a letter of excardination from his bishop or an indult of departure from his superior.¹⁷ If the incardination of the presbyter presents an advantage to or fulfills the needs of the Diocese, the Bishop of Cheyenne will consider the petition.¹⁸ In determining whether or not to grant the petition for incardination, the following procedure will be followed, unless the Bishop of Cheyenne decides otherwise:

- a. The Bishop of Cheyenne, either personally or through his delegate, will contact the current bishop or appropriate superior of the presbyter informing the bishop or superior of the petition by presbyter for incardination into the Diocese of Cheyenne and requesting the appropriate testimonials concerning the life, morals and studies of the presbyter.¹⁹ If the Bishop of Cheyenne judges the petitioning presbyter worthy of consideration, he may seek the advice of others in the Diocese of Cheyenne whether to incardinate the presbyter.
- b. At the discretion of the Bishop of Cheyenne, he, his delegate(s) or one of the Deans (Vicars Forane) may confidentially contact individually all or some of the presbyters incardinated into the Diocese of Cheyenne to determine the suitability of the petitioning presbyter for incardination into the Diocese of Cheyenne and to ascertain whether the presbyters already incardinated in the Diocese of Cheyenne support or oppose the incardination of the presbyter. If someone other than the Bishop of Cheyenne conducts this consultation, the results will be given to the Bishop of Cheyenne.
- c. The Bishop of Cheyenne may consult personally the Deans (Vicars Forane) to hear their advice on whether to incardinate the petitioning presbyter.

¹⁶ St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, *Second Restatement of the Articles of Incorporation and Canonical Statutes*, November 9, 2006, art. V, B. 2.

¹⁷ See *CIC*, cc. 267 §1; 693; 727 §2; 743.

¹⁸ See *CIC*, c. 269, 1°.

¹⁹ *CIC*, c. 269, 2°. If necessary this may be in secret (*idem*).

- d. If he has not already done so, the Bishop of Cheyenne may personally consult the pastors and other presbyters in the Diocese of Cheyenne with whom the presbyter has served. The Bishop of Cheyenne may also wish to consult personally with other presbyters serving in but not incardinated in the Diocese of Cheyenne, and may make further consultations with members of the laity, institutes of consecrated life, society of apostolic life and diaconate serving in the Diocese of Cheyenne.
- e. After receiving advice, the Bishop of Cheyenne will make his decision regarding the incardination of the petitioning presbyter. The Bishop of Cheyenne will then inform the presbyter in writing of his decision, and, if granting the request of the petitioning presbyter for incardination, will issue a decree of incardination.²⁰

2. Incardination by the Law

In the normal course, presbyters are not incardinated into the Diocese of Cheyenne by virtue of canon 286 §1, but by a decision of the Bishop of Cheyenne. Incardination by virtue of the law itself for a diocesan presbyter occurs when: 1) the presbyter has sent letters to his bishop and the Bishop of Cheyenne requesting to incardinate into the Diocese of Cheyenne without having been informed by either his bishop or the Bishop of Cheyenne of their opposition to his excardination or incardination, and 2) having spent five (5) years in the Diocese of Cheyenne without receiving a negative response to his written request for incardination.²¹ Incardination by virtue of the law itself for a presbyter who is a member of an institute of consecrated life or society of apostolic life occurs when: 1) having been given permission to be received *ad experimentum* for the service of the Diocese of Cheyenne, and 2) having spent (5) years in the Diocese of Cheyenne and the Bishop of Cheyenne has not refused to grant incardination.²²

3. Place in the *Presbyterium*

A presbyter who is incardinated into the Diocese of Cheyenne will be placed in the *presbyterium* according to his year of ordination.

²⁰ *CIC*, c. 267 §1.

²¹ *CIC*, c. 268 §1.

²² See *CIC*, cc. 693; 727; 743.

4. Retirement and Educational Expense

a. Retirement

Although the Bishop of Cheyenne assumes responsibility for seeing to the decent care and support of the presbyter who has been incardinated into the Diocese of Cheyenne,²³ the presbyter should establish his interest in the retirement program of his former diocese, institute of consecrated life or society of apostolic life, because his benefits from the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne are normally based upon his years of membership in the St. Joseph's Society.²⁴ In the event that a presbyter incardinated into the Diocese of Cheyenne without vested interests in the retirement program of the diocese, institute of consecrated life or society of apostolic life from which he excardinated and/or if the presbyter has received a lump-sum retirement payment from his former place of incardination, the Board of Directors of the St. Joseph's Society can allow the years of ordination which the presbyter accumulated before becoming a member of the St. Joseph's Society to be used in the computation of retirement and disability benefits, provided that the Diocese of Cheyenne and/or the presbyter, within five (5) years of the presbyter being incardinated in the Diocese and becoming a regular member of the Society, makes a contribution and/or the transfer of the lump-sum payment to the St. Joseph's Society.²⁵ In the event that the transfer of the lump-sum payment is inadequate to cover the Society's expense for covering all the years of ordination prior to becoming a member of the St. Joseph's Society, the Diocese of Cheyenne can make a contribution to provide for the remaining years of ordination.²⁶ In the event that the transfer of the lump-sum is greater than that which is needed to cover the expense for all the years of ordination prior to becoming a member of the Society, the difference will be refunded to the presbyter.²⁷ In the event that the information in this Directory conflicts with the governing documents of the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, the governing documents of the Society are authoritative.²⁸

²³ See *CIC*, cc. 269, 1°; 281 §§1-2; 384.

²⁴ St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, *Bylaws*, September 23, 2008, bylaw VI, A.

²⁵ *Ibid.*, bylaw VI, E.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

b. Education Expense

If the incardinating presbyter has any outstanding educational debts related to his preparation for ministry, the Bishop of the Diocese of Cheyenne may negotiate an equitable settlement with the former diocese, institute of consecrated life, or society of apostolic life.

C. Excardination from the Diocese of Cheyenne:

A presbyter considering petitioning for excardination from the Diocese of Cheyenne will need to find a bishop, institute of consecrated life or society of apostolic life willing to accept him.

1. Excardination to a Different Diocese

A presbyter seeking to incardinate into a different diocese is encouraged to seek permission to live and minister in the diocese where he is seeking incardination and will be given permission to do so by the Bishop of Cheyenne, unless the needs of the Diocese of Cheyenne prevent it or unless there is some other grave reason.²⁹ If requested, the Bishop of Cheyenne may also provide the presbyter with a letter expressing the Bishop's willingness to excardinate the presbyter should the new bishop be willing to incardinate the presbyter and the presbyter requests it.

A presbyter will be granted a letter of excardination from the Diocese of Cheyenne for a just cause, such as the benefit of the Church or the good of the presbyter himself.³⁰ If the presbyter is denied excardination and has found a bishop willing to incardinate him, the presbyter may seek recourse against the decision.³¹

2. Excardination to an Institute of Consecrated Life or a Society of Apostolic Life

A presbyter seeking to become a member of an institute of consecrated life or a society of apostolic life may be admitted to the novitiate after the competent superior has consulted with the Bishop of Cheyenne and the superior has received the required testimony of the Bishop.³²

²⁹ *CIC*, c. 271.

³⁰ See *CIC*, c. 270.

³¹ See *CIC*, cc. 221 §1; 270; 1732-1739: John Paul II, Apostolic constitution *Pastor bonus*, June 28, 1988, art. 93; 95 §1; 96; 121; 123 §1: AAS 80 (1988) 883; 884; 891; 891-892: translation in *Code of Canon Law: Latin – English Edition, New English Translation*, Second printing (Washington, DC: Canon Law Society of America, 2012).

³² See *CIC*, cc. 127 §2; 644; 645; 735.

Through perpetual or definite admission to an institute of consecrated life or a society of apostolic life, the presbyter is excardinated from the Diocese of Cheyenne and incardinated into the institute or society.³³

3. Education Expenses

The Bishop of Cheyenne may negotiate with the presbyter's new diocese, institute of consecrated life or society of apostolic life for an equitable settlement of any outstanding educational debts accrued by the presbyter in preparation for his ministry.

III. DEANS (Vicars Forane):

A. General Provisions:

Deans (Vicars Forane) serve as vicars of the Diocesan Bishop (but not as local ordinaries) helping the Bishop to fulfill his responsibility to provide pastoral care, care for the clergy and oversight. They serve as a greater brother among their brother priests and deacons. Five (5) Deans will be selected, one (1) for each of the five (5) Deaneries (Vicariates Forane), namely, Casper, Cheyenne, Rock Springs, Sheridan and Thermopolis.

B. Qualifications:

Among the qualifications, Deans are to be priests (bishops or presbyters),³⁴ at least thirty (30) years old, free from any canonical penalties, known for their learning, prudence, piety and apostolic work, and highly respected by the clergy and people.³⁵ By particular law of the Diocese of Cheyenne, they must be a pastor of one of the parishes in the Deanery where they will serve.

C. Appointment and Term of Office:

The priests and deacons of each Deanery, through an electoral process, will propose two (2) or three (3) candidates from which the Diocesan Bishop may appoint the Dean.³⁶ The Bishop, however, is free to appoint a priest other than one of those proposed.³⁷ The Dean will serve a three (3) year term, unless determined otherwise in the decree of appointment and may be reappointed.³⁸ The Dean loses office through the notification of the expiration of the term, an

³³ *CIC*, c. 268 §2; see *CIC*, c. 266 §2.

³⁴ See *CIC*, cc. 150; 553 §1; Congregation of the Clergy, et al., instruction *De quibusdam questionibus circa fidelium laicorum cooperationem sacerdotum ministerium spectantem*, August 15, 1997, art 5 §6: AAS 89 (1997) 868.

³⁵ See *CIC*, c. 149 §1.

³⁶ *CIC*, c. 553 §2.

³⁷ See *CIC*, cc. 157; 553 §2; 554 §1.

³⁸ *CIC*, c. 554 §2.

accepted resignation, transfer to an office outside of the Deanery, ceasing to be a pastor, removal for a just cause in accord to the Bishop's prudent judgment, or death.³⁹

D. Duties and Responsibilities:

Among the duties and responsibilities of the Deans are to:

1. Promote and coordinate common pastoral activities among the parishes in their respective Deaneries;⁴⁰
2. Promptly relay information from the Diocesan Bishop and diocesan clergy to the clergy of the Deanery;
3. Except in the year in which the Diocesan Bishop conducts his visitation, conduct an annual visitation of parishes and other Catholic institutions in the Deanery submitting a report to the Diocesan Bishop and the pastor or administrator;⁴¹ see that religious functions are performed according to the prescriptions of the sacred liturgy, that churches and their sacred furnishings and other facilities and their furnishings are properly maintained, that the Most Blessed Sacrament is reserved in an appropriate location and tabernacle, that parochial registers are correctly inscribed and all ecclesiastical records are appropriately protected and that ecclesiastical goods are administered carefully;⁴² notifies the Diocesan Bishop and the pastor or administrator of any deficiencies or abuses;
4. See that clerics of the Deanery lead lives in keeping with their states and perform their duties diligently, informing the Diocesan Bishop when behavior is inconsistent with a cleric's state or when a cleric fails in his duties;⁴³ see that the clergy of the Deanery attend required clergy meetings, institutes, days of recollection and retreats, informing the Diocesan Bishop of unexcused absences;⁴⁴
5. See to the availability of spiritual support for the clergy of the Deanery, especially for those in more difficult circumstances or who are beset by problems; see that clergy who are gravely ill do not lack spiritual and material assistance;⁴⁵ see that the funeral liturgies of deceased clergy are celebrated worthily; inform the Diocesan Bishop of clergy who are

³⁹ See *CIC*, cc. 184-196; 554 §3.

⁴⁰ *CIC*, c. 555 §1, 1°.

⁴¹ *CIC*, c. 555 §1, 2°.

⁴² *CIC*, c. 555 §1, 3°.

⁴³ *CIC*, c. 555 §1, 2°.

⁴⁴ *CIC*, c. 555 §2, 1°.

⁴⁵ *CIC*, c. 555 §2, 2°.

experiencing difficulties or problems, who are ill or who have passed away;⁴⁶

6. Ensure that registers, documents, sacred furnishings, sacred vessels and vestments and other ecclesiastical property are not lost or removed upon the illness or death of a cleric;⁴⁷
7. Serve as a consultant to the Diocesan Bishop for the assignment of clergy;⁴⁸
8. Within their Deaneries, install new pastors in their parishes;⁴⁹
9. When delegated by the Diocesan Bishop, confer the Sacrament of Confirmation when a bishop cannot be present;⁵⁰
10. Convoke and preside at Deanery Clergy Meetings;⁵¹ and,
11. Attend all diocesan synods.⁵²

IV. ASSIGNMENTS:

A. Consultation:

1. Deans (Vicars Forane):

The principal advisors to the Bishop of Cheyenne concerning the assignment of Pastors and Parochial Vicars (Associate Pastors) are the Deans (Vicars Forane).⁵³ They may also be consulted by the Bishop of Cheyenne for the assignment of other offices within the Diocese of Cheyenne and for incardination into and excardination from the Diocese of Cheyenne. In general, the Deans will meet as a group in order to provide advice to the Diocesan Bishop; although, when needed or advantageous, he may consult them individually or through electronic means. The Deans are solely advisory in these personnel matters. The Bishop may, at any time, make appointments, transfers, incardinations and excardinations without consulting the Deans as a group, provided he

⁴⁶ *CIC*, c. 555 §3.

⁴⁷ *CIC*, c. 555 §3.

⁴⁸ See *CIC*, cc. 524; 547.

⁴⁹ *CIC*, c. 527 §1.

⁵⁰ See *CIC*, c. 884 §1.

⁵¹ See *CIC*, cc. 555 §1, 1° and §2, 1°.

⁵² *CIC*, c. 463 §1, 7°.

⁵³ See *CIC*, cc. 524; 547.

follows the norms of canon law.⁵⁴ Deans are bound by secrecy concerning their discussions with the Bishop about assignments.⁵⁵

2. Pastor (*Parochus*) Consultors:

When the Bishop of Cheyenne determines either a Pastor who is a diocesan priest needs to be removed from office or any Pastor needs to be transferred unwillingly, he is to consult with two (2) pastors from the group of Pastor Consultors, who were proposed by him and confirmed by the Presbyteral Council.⁵⁶ The norms for removal and transfer of pastors will be followed.⁵⁷ Pastor Consultors are bound by secrecy concerning their discussions with the Bishop about removals and transfers.⁵⁸

3. Consultation of Others:

The Bishop of Cheyenne is free to consult with others concerning the assignment of presbyters. He may consult with the Pastor of a parish about the assignment of a Parochial Vicar to the Pastor's parish.⁵⁹ The Bishop may consult with other presbyters or with deacons assigned to or residing in a parish to which he is considering assigning a Pastor or Parochial Vicar. He may consult the Vicar General, Episcopal Vicars or other diocesan personnel. He may also consult with members of institutes of consecrated life and societies of apostolic life and with certain prominent laity.

The Bishop of Cheyenne, however, will consult with the competent superior of institutes of consecrated life and societies of apostolic life concerning the assignment, transfer and removal of their members.⁶⁰

Anyone consulted concerning the assignment, transfer or removal of a presbyter is bound by secrecy.⁶¹

B. Assignments Themselves:

1. General Provisions:

Assignments will be made based upon a variety of factors, including seniority, the needs of the People of God in specific areas of the Diocese

⁵⁴ See *CIC*, cc. 145-163; 184-195; 267-269; 470; 477; 481; 485; 524; 547; 552; 557; 563; 1420; 1421; 1422; 1740-1752.

⁵⁵ See *CIC*, c. 127 §3.

⁵⁶ See *CIC*, cc. 1742 §1; 1745, 2^o; 1750.

⁵⁷ See *CIC*, cc. 1740-1752; see also *CIC*, cc. 190-195.

⁵⁸ See *CIC*, c. 127 §3.

⁵⁹ See *CIC*, cc. 547; 682 §1; 715; 738 §§2 and 3.

⁶⁰ See *CIC*, cc. 682; 715; 738 §§2 and 3.

⁶¹ See *CIC*, c. 127 §3.

of Cheyenne, the needs of the People of God in the Diocese of Cheyenne as a whole, the particular talents, qualifications and needs of the presbyters.⁶² At times, this will require presbyters to make personal sacrifices. The Bishop of Cheyenne freely confers assignments in the Diocese of Cheyenne,⁶³ except for those offices for which the competent superior of the institute of consecrated life or society of apostolic life has the right of presentation,⁶⁴ for those offices being conferred upon members of institutes of consecrated life or societies of apostolic life requiring the assent of the competent superior,⁶⁵ and for those offices requiring the counsel of others.⁶⁶

Ordinarily, the Bishop of Cheyenne or his delegate will announce to the *presbyterium* when changes in parochial assignments are being considered and any publically known openings. Presbyters, particularly those desiring a change in assignment or a specific assignment, are encouraged to approach the Bishop of Cheyenne or one (1) of the Deans (Vicars Forane) regarding assignments or any other matter of concern.

2. Change of Assignments:

Changes of assignment will ordinarily occur in the first part of July. Changes may have to be made at another time because of death, illness or other circumstances. For a sufficient reason, presbyters may ask for an assignment or transfer at any time. Members of institutes of consecrated life and societies of apostolic life can be removed from office at the discretion of either the Bishop of Cheyenne, after conferring with the competent superior, or by the competent superior conferring with the Bishop of Cheyenne.⁶⁷

3. Senior Presbyters:

Presbyters who have attained the age of sixty-five (65) may request reassignment to offices entailing less administrative responsibilities. For example, a presbyter who is a Pastor may request reassignment as a Pastor of a smaller parish or as a Parochial Vicar (Associate Pastor). When the needs of the People of God allow, efforts will be made to accommodate this request.

⁶² See *CIC*, cc. 149; 150.

⁶³ See *CIC*, cc. 157; 470; 473 §§2-3; 477; 482 §1; 483 §1; 523; 539; 547; 1420; 1421; 1422' 1424; 1428; 1430; 1432; 1483.

⁶⁴ See *CIC*, c. 520; see also *CIC*, cc. 158-163; 523.

⁶⁵ See *CIC*, cc. 682 §1; 715; 738 §§2 and 3.

⁶⁶ See for example, the College of Consultors and the Diocesan Finance Council concerning the Diocesan Finance Officer (*CIC*, c. 494 §§1-2), and the Pastor Consultors when removing a Pastor or transferring a Pastor against his will (*CIC*, cc. 1742 §1; 1750).

⁶⁷ See *CIC*, cc. 682 §2; 715; 738 §§2 and 3.

4. Term of Office for Curial Assignments:

a. Administrative Offices:

Presbyters assigned to Curial⁶⁸ positions such as Vicars General, Episcopal Vicars,⁶⁹ Moderator of the Curia,⁷⁰ Chancellor,⁷¹ and Ecclesiastical Notaries⁷² are freely appointed by and freely removed by the Bishop of Cheyenne.⁷³ Their decrees of appointment may specify a term of office, which can be renewed. Curial assignments are lost by notification of the expiration of the term, an accepted resignation, notification of removal, privation, or death.⁷⁴ Vicars General, Episcopal Vicars, and the Moderator of the Curia who are presbyters lose office upon the vacancy of the episcopal see.⁷⁵

b. Judicial Offices:

Presbyters assigned as Judicial Vicar, Adjutant Judicial Vicars, Judges, Assessors, Auditors, Defenders of the Bond, Promoters of Justice, and Advocates serve for a term of five (5) years, unless determined otherwise in the decrees of appointment, and can serve for as many terms as needed.⁷⁶ These offices are lost by notification that the term has expired, an accepted resignation, transfer to another office, removal for a legitimate and grave cause, privation, or death.⁷⁷ The Judicial Vicar and Adjutant Judicial Vicars retain office upon the vacancy of the episcopal see, but are to be confirmed in office after the installation of the new Diocesan Bishop.⁷⁸

5. Term of Office for Pastors:

a. Length of Terms:

As a matter of particular law for the Diocese of Cheyenne, all Pastors are appointed for a term of six (6) years, unless specifically and explicitly appointed for an indefinite term in the decree of

⁶⁸ *CIC*, c. 470.

⁶⁹ *CIC*, cc. 477 §1; 481.

⁷⁰ *CIC*, c. 473 §§2 and 3.

⁷¹ *CIC*, cc. 482 §1; 485.

⁷² *CIC*, cc. 483 §1; 485.

⁷³ See *CIC*, cc. 406; 473 §§2 and 3; 477; 482 §§1 and 2; 483 §1; 485.

⁷⁴ See *CIC*, cc. 184-191; 196; 406; 473 §§2 and 3; 477; 481 §1; 485; 682 §2; 715; 738 §§2 and 3.

⁷⁵ See *CIC*, cc. 473 §3; 481 §1.

⁷⁶ See *CIC*, cc. 1420 §§1, 3 and 5; 1421 §1; 1422; 1424; 1428; 1430; 1432; 1436; 1483.

⁷⁷ See *CIC*, cc. 184-196; 682 §2; 715; 738 §§2 and 3; 1422.

⁷⁸ *CIC*, c. 1420 §5.

appointment.⁷⁹ Pastors may be appointed for additional six (6) year terms. Reappointment is not automatic and requires a new decree of appointment. A Pastor, however, does not lose office when his term expires, but only when he is so notified by the Bishop of Cheyenne.⁸⁰ A Pastor also loses office by accepted resignation, transfer to another office, removal for harmful or ineffective ministry, privation, or death.⁸¹

b. Maximum Length of Assignments:

In general, the maximum length of assignment for Pastors in the Diocese of Cheyenne is ordinarily twelve (12) years, two (2) terms.⁸² The following exceptions apply:

- 1.) For a just cause, and in a particular case, the Bishop of Cheyenne may appoint a Pastor for more than two (2) terms of six (6) years. Before making this appointment, the Bishop may consult with the Deans (Vicars Forane). This appointment will be for an additional six (6) year term.
- 2.) Pastors who have reached or passed their 65th birthday and whose term of office has expired will not ordinarily be transferred, unless the Bishop of Cheyenne believes their talents, qualifications and experience are needed in another assignment, or the Pastor specifically requests a transfer to another office. The Bishop may either defer notifying these Pastors of the expiration of their terms, or he may appoint them for another six (6) year term.

c. Transfer:

When it is necessary to transfer a Pastor before the expiration of his term of office, the following procedure will ordinarily be observed:

- 1.) The Bishop of Cheyenne, or his delegate, will discuss with the Pastor whether the Pastor will consent to the recommended transfer to a new parish or office.

⁷⁹ See *CIC*, c. 522; National Conference of Catholic Bishops, complementary legislation *Canon 522 – Tenure for Pastors*, September 24, 1984 (<http://www.usccb.org/beliefs-and-teachings/what-we-believe/canon-law/complementary-norms/canon-522-stability-of-office-of-pastor.cfm>).

⁸⁰ See *CIC*, cc. 186; 522; 538 §1; NCCB, *Canon 522 – Tenure for Pastors*.

⁸¹ See *CIC*, cc. 184-196; 538 §1; 682 §2; 715; 738 §§2 and 3; 1740-1752.

⁸² See *CIC*, c. 522; NCCB, *Canon 522 – Tenure for Pastors*.

- 2.) As a matter of particular law of the Diocese of Cheyenne, if the Pastor indicates he accepts the transfer, his acceptance of the transfer *ipso iure* renders his current office vacant and results in his appointment as Parochial Administrator until he takes possession of his new parish or office.⁸³ The Pastor is asked to confirm his acceptance of the transfer by sending the Bishop of Cheyenne a signed and dated letter stating the Pastor's acceptance of the new assignment, and his resignation from his present office at this time for the purpose of being transferred to the new parish or office.⁸⁴
- 3.) The Bishop of Cheyenne will normally accept this resignation in writing and appoint the presbyter as Parochial Administrator of the present parish until he takes possession of his new parish or office.⁸⁵ Upon the acceptance of the resignation, the office of Pastor in the present parish is vacant, and a decree of appointment assigning a new Pastor can be issued at any time.⁸⁶
- 4.) Should a Pastor refuse the recommended transfer and the Bishop of Cheyenne believes that the good of the parish and/or the good of the Diocese of Cheyenne require the transfer occur, the procedure stipulated in canons 184 §§1 and 3, 190-191, 538 §1, 638 §1, 715, 738 §§2 and 3, and 1748-1753 will be followed.⁸⁷

d. Removal:

Should it become necessary to remove a Pastor, the procedure stipulated in canons 184 §§1 and 3, 192-195, 538 §§1 and 2, 682 §2, 715, 738 §§2 and 3, and 1740-1747 will be followed.

6. Term of Office for Parochial Administrators:

a. Length of Term:

Assignments for Parochial Administrators are until the Pastor is no longer impeded from performing his pastoral functions, until a new Pastor assumes office, notification that the term specified in the

⁸³ *CIC*, c. 191 §1; see also *CIC*, cc. 187-189.

⁸⁴ See *CIC*, cc. 187-189; 538 §1.

⁸⁵ See *CIC*, cc. 189 §§2-3; 538 §1.

⁸⁶ See *CIC*, cc. 153; 189 §3.

⁸⁷ See also *CIC*, cc. 190-191; 1732-1739; *Pastor bonus*, art. 93; 95 §1; 96; 121; 123 §1.

decree of appointment has expired, acceptance of a resignation, transfer to another office, removal for a grave cause, or death.⁸⁸

b. Transfer or Removal:

Should it become necessary to transfer or remove a Parochial Administrator before he has completed his function or before his term has expired, the procedure stipulated in canons 184 §§1 and 3, 190-195, 682, 715, and 738 §§2 and 3 will be followed.⁸⁹

7. Term of Office for Parochial Vicars (Associate Pastors):

a. Length of Term:

As a matter of particular law for the Diocese of Cheyenne, Parochial Vicars (Associate Pastors) are appointed for terms of two (2) years, unless determined otherwise in the decree of appointment.⁹⁰ This appointment may be renewed for an additional two (2) year term. Renewal is not automatic and requires a new decree of appointment. A Parochial Vicar, however, does not lose office when his term expires, but only when he is notified by the Bishop of Cheyenne.⁹¹ A Parochial Vicar also loses office by an accepted resignation, transfer to another office, removed for a just cause, privation, or death.⁹²

b. Transfer:

When it is necessary to transfer a Parochial Vicar before the conclusion of his term of office, the following procedure will ordinarily be observed:

- 1.) The Bishop of Cheyenne, or his delegate, will discuss with the Parochial Vicar whether the Parochial Vicar will consent to the recommend transfer to a new parish or office.
- 2.) If the Parochial Vicar indicates he will accept the transfer, the appropriate decree of appointment will be issued.
- 3.) Should the Parochial Vicar refuse the recommended transfer and the Bishop of Cheyenne believes that the good

⁸⁸ See *CIC*, cc. 182-196; 539; 682 §2; 715; 738 §§2 and 3.

⁸⁹ See also *CIC*, cc. 1732-1739; *Pastor bonus*, art. 93; 95 §1; 96; 121; 123 §1.

⁹⁰ See *CIC*, cc. 145 §2; 148; 184 §1; 547; 552; 682 §1; 715; 738 §§2 and 3.

⁹¹ See *CIC*, c. 186.

⁹² See *CIC*, cc. 184-185; 187-196; 552; 682 §2; 715; 738 §§2 and 3.

of the parish and/or the good of the Diocese of Cheyenne require the transfer occur, the procedure stipulated in canons 184 §§1 and 3, 190-191, 552, 682 §1, 715, and 738 §§2 and 3 will be followed.⁹³

c. Removal:

Should it become necessary to remove a Parochial Vicar, the procedure stipulated in canons 184 §§1 and 3, 192-195, 552, 682 §2, 715, and 738 §§2 and 3 will be followed.

V. BENEFITS FOR PRESBYTERS WITH ASSIGNMENTS IN THE DIOCESE:

Presbyters incardinated into the Diocese of Cheyenne with assignments are entitled to the benefits described below. All other presbyters with assignments are to receive equivalent benefits, whether paid to them directly or to their dioceses, institutes of consecrated life or society of apostolic life. If the benefit program of non-incardinated presbyters requires greater compensation than is given to presbyters who are incardinated into the Diocese of Cheyenne, then this additional compensation must be approved by the Bishop of Cheyenne, who, before he gives his approval, may consult with the Presbyteral Council and the Diocesan Finance Council. A contract delineating the compensation of non-incardinated presbyters is to be made between the Bishop of Cheyenne and the competent superior or bishop of the presbyter.⁹⁴ In the case of a presbyter who is a foreign national, the Diocese of Cheyenne may need to pay for some or all of the benefits for the presbyter, in which case the institution to which the foreign national presbyter is assigned will reimburse the Diocese of Cheyenne for the expenses that the institution of assignment would normally be responsible.

A. Salary:

Salary will be paid to the presbyter by the institution to which he is assigned. If a presbyter has several assignments, one of the institutions will be designated as the paying institution, and the other institution(s) will reimburse the paying institution for their prorated share of the presbyter's salary.

1. Base Salary:

A monthly base salary for all assigned presbyters of the Diocese of Cheyenne will be determined by the Bishop of Cheyenne, who, before making his determination, may consult the Presbyteral Council and the Diocesan Finance Council. The base salary will be based on estimated car expenses, clothing expenses, vacation expenses, non-reimbursable medical

⁹³ See also *CIC*, cc. 732-2739; *Pastor bonus*, art. 93; 95 §1; 96; 121; 123 §1.

⁹⁴ See *CIC*, cc. 271 §1; 681 §1; 715; 738 §§2 and 3.

expenses, discretionary disposable income, support of the work of the Church, charitable giving, personal retirement contributions (e.g., 403(b) Thrift Plan or Individual Retirement Accounts), income taxes and Social Security and Medicare Taxes (presbyters have to pay all the Social Security and Medicare Taxes themselves).⁹⁵ (The entirety of the base salary, including the consideration made for the presbyters having to pay the entirety of the Social Security and Medicare Taxes themselves, is taxable income.)

The current figure for the base salary is given in the appropriate section in the Appendix.

This base salary will be adjusted annually for inflation based on the figures provided by the State of Wyoming for the State and adjusted to exclude those items for which the presbyter does not pay for himself.⁹⁶ In addition, this base salary will be reviewed every two years on the even numbered years by the Bishop of Cheyenne, who may seek the assistance and advice of the Presbyteral Council and the Diocesan Finance Council in conducting this review.

2. Salary Increment:

An increment per month will be added to the salary for each year of service since ordination until retirement.⁹⁷ The increment will be added at the beginning of the fiscal year.⁹⁸ This increment will be determined by the Bishop of Cheyenne who, before he makes his determination, may consult with the Presbyteral Council, and the Diocesan Finance Council.

The current figure for the salary increment is given in the appropriate section in the Appendix.

B. Room and Board:

The place to which the presbyter is assigned to reside will provide him with Room and Board. The presbyter is required to reside at this residence and be available

⁹⁵ To offset any increase made in the recommended claim for Room and Board, the Base Salary will need to be increased by a figure determined by the following: rounding up to the nearest \$5.00 increment the result of multiplying the Room or Board Increase (I) by the Self-employment Tax (SET) and dividing that figure by one (1) minus the summation of the Self-employment Tax (SET) and the Withholding Tax (WT). The formula is: Rounded to the next \$5.00 increment Offset = $\{(I \times SET) \div (1 - [SET + WT])\}$.

⁹⁶ For example, since the presbyter does not pay for his housing, the housing component of the consumer price index would be excluded.

⁹⁷ For newly incardinated presbyters and for non-incardinated presbyters serving in the Diocese for more than three (3) months, years of service is counted as years since ordination. If a presbyter is serving in the Diocese of Cheyenne for three (3) months or less, he will be paid the substitute rate.

⁹⁸ The fiscal year runs July 1 through June 30. Even when the anniversary of ordination is late in the fiscal year, e.g., April, May or June, the salary increment is added at the beginning of the new fiscal year.

twenty-four (24) hours a day for emergencies, except for his day-off, prayer day, retreats, or vacation. The place of residence is not responsible for reimbursement for his meals and lodging expenses when he is away from the parish for a day-off or vacation. When necessary, reimbursement is done on an accountable plan, which requires the submission of receipts and indication of the purpose of the purchase. Presbyters are not paid a meal or housing allowance, unless the Bishop of Cheyenne provides otherwise in a specific case.

Room and Board includes the following items:

- Housekeeping services (e.g., cleaning and meal preparation);
- In-house laundry services (e.g., a washer, dryer, laundry detergent, and a launderer);
- Groceries, prepared meals, and meals in restaurants, always keeping in mind simplicity and temperance.
- Either a private land telephone line or a cellular or smart telephone, but not both. The cellular or smart phone may include a reasonably priced data plan. The place of residence will pay any installation costs and the monthly fees.
- Cable or satellite television, but not premium channels, such as HBO®, Cinemax® or Showtime®, or pay-for-view programs or services.
- Internet, provided appropriate firewalls and content filtering are in place.

Room and Board does not include the following items:

- Toiletries
- Personal Mail
- Dry Cleaning
- Over-the-counter and Prescription Medication
- Clothing
- Membership Fees in Athletic, Fitness, Sports or Golf Clubs

Presbyters are reminded to figure their Room (including all utilities), Board, Housekeeping and Laundry Services as a part of their earnings when computing their Society Security and Medicare Taxes. The current recommended figures for these items are given in the appropriate section in the Appendix.

C. Automobile:

1. Ownership:

Each presbyter will be responsible for providing his own automobile for ministerial and personal use, and for the maintenance and upkeep of his vehicle.⁹⁹

2. Mileage:

The presbyter will receive reimbursement for mileage from the institution to which he is assigned for all travel for parish or institutional business, deanery business, common diocesan business, spiritual direction, a monthly prayer day and a monthly presbyters' support group meeting.¹⁰⁰ The sponsoring institution, council, board, committee, organization or group will reimburse the presbyter for mileage for his travel to meetings, conference or other functions.¹⁰¹

a. Parish Mileage Rates:

Presbyters will be reimbursed at the current Internal Revenue Service standard mileage rate for business miles. Presbyters, however, have the option to receive a higher rate of reimbursement. This mileage reimbursement rate is based upon figures given in the latest edition of the American Automobile Association (AAA) publication "Your Driving Cost" for vehicles driven 20,000 miles a year. When receiving this higher mileage reimbursement rate, the amount by which this rate exceeds the Internal Revenue Service standard mileage rate for business miles is taxable income and will be reported as such. The mileage reimbursement rate will be reviewed annually and will be set by the Bishop of Cheyenne.

⁹⁹ A similar provision dates back to 1948, see The Most Reverend Patrick A. McGovern, DD, *Statutes of the Diocese of Cheyenne, Second Synod*, June 11, 1948, n. 115 (Cheyenne, WY: Wyoming Labor Journal Publishing, Co., 1948).

¹⁰⁰ Examples of parish, deanery and common diocesan business include: home visits, hospital visitations, in-town parish, shopping, parish banking, parish meetings outside of parish facilities, deanery meetings, installations of pastors, confirmations, clergy day of recollection and Chrism Mass, ordinations, jubilees, fall and winter institutes, the annual presbyters retreat, and diocesan celebrations. Examples which do not qualify for reimbursement include: recreational activities, day-off, personal financial endeavors, personal medical travel, hospital visitation of parishioners in out-of-county or out-of-state hospitals, out-of-town shopping when items are available from catalogue services and the clergy golf tournament.

¹⁰¹ For example, presbyters are to receive their mileage reimbursement from the Diocese of Cheyenne for travel for meetings of the College of Consultors, Presbyteral Council, Diocesan Finance Council, Diocesan Pastoral Council or other diocesan advisory boards, unless these meetings are in conjunction with events that the institution of assignment reimburses for mileage, in which case the institution of assignment reimburses the presbyters.

b. Other Business Mileage Rate:

The mileage reimbursement rate from a sponsoring institution, council, board, committee, organization or group will be the current Internal Revenue Service standard mileage rate for business miles.

Current figures for mileage rates are given in the appropriate section in the Appendix.

3. Automotive Insurance:

The presbyter is to provide his own automotive insurance. He is to provide at least the minimum coverage outlined in the appropriate section in the Appendix. Although this is the minimum required coverage, each presbyter should consider his specific financial situation and whether additional coverage would be appropriate.

D. Offerings (Stipends):

1. Offerings (Stipends) in General:

a. Description:

Offerings or stipends are the offerings received on the occasion of the celebration of sacraments or sacramentals, such as Mass intentions, Funerals, Weddings, Baptisms and blessings.

b. Retention:

By particular law of the Diocese of Cheyenne, presbyters may retain for their personal use offerings for Mass intentions and Funerals.¹⁰² By particular law, all other offerings belong to the parish in which the sacrament or sacramental was administered, unless contrary to the will of the donor.¹⁰³ For example, an offering given on the occasion of the celebration of the Marriage belongs to the parish where Marriage was celebrated, unless the intention of the donor is to give a gift to the presbyter. When there is an offering to the parish and a separate gift to the presbyter, the presbyter is free to keep the gift. When the donor gives a check with the presbyter's name written in the "Pay To" line of the check, gives an envelope containing cash with the presbyter's name written on the envelope, or gives cash to the presbyter with

¹⁰² See *CIC*, cc. 848; 945 §1; 951; 1181; 1264; see also *Statutes of the Diocese of Cheyenne, Second Synod*, nn. 47; 117.

¹⁰³ See *CIC*, cc. 531; 551; 1264; see also *Statutes of the Diocese of Cheyenne, Second Synod*, n. 116.

these or similar words, “This is for you, Father,” the presbyter is free to keep the gift, even if no offering is made to the parish. When cash or a blank check is given without a stated intention, this offering belongs to the parish.

c. Requests for Offerings (Stipends):

Presbyters are not to request remuneration for the celebration of sacraments or sacramentals, except for the approved offering for a Mass intention.¹⁰⁴ A special concern is to be given to the poor so that they are not deprived of the sacraments or sacramentals.¹⁰⁵

d. Tax Consequences for Offerings (Stipends):

Offerings (stipends) retained by presbyters are considered self-employment income by the Federal Government and should be reported as such by the presbyters when they file their annual income tax return.

2. Mass Offerings (Mass Stipends):

a. General Provisions:

A Mass Offering (Mass Stipend) is an offering given for a specific intention that the presbyter is to make his intention at a Mass. The Mass Offering (Mass Stipend) belongs to the presbyter who celebrates the Mass and the Mass must be applied for the intention designated by the donor.¹⁰⁶

b. Approved Offering:

Presbyters may request no more than the approved offering found in the appropriate section in the Appendix for each Mass intention.¹⁰⁷ Presbyters may accept and retain an offering for an intention greater than the approved amount, provided the offering was freely and spontaneously given; and presbyters may accept offerings for less than the approved offering, as for example, in the case of the poor.¹⁰⁸ If a presbyter receives an offering for an unspecified number of Masses to be offered for an intention, the number of Masses to be offered will be determined by dividing the

¹⁰⁴ See *CIC*, cc. 848; 945 §1; 1181; 1264.

¹⁰⁵ See *CIC*, cc. 848; 945 §2.

¹⁰⁶ See *CIC*, cc. 901; 945 §1.

¹⁰⁷ See *CIC*, cc. 848; 952.

¹⁰⁸ See *CIC*, cc. 848; 950; 952 §1.

offering by the approved amount.¹⁰⁹ Presbyters are strongly encouraged to celebrate Masses for the intention of the Christian faithful, especially the needy, even if no offering has been received.¹¹⁰ At no time should a Mass intention be denied on the basis of an inability to provide an offering.

c. Combining of Mass Intentions:

A separate Mass must be offered for each intention for which a stipend has been received.¹¹¹ When a presbyter has received more Mass intentions than he can personally satisfy in a year, he is, according to the norms of canon law, to commit their fulfillment to another priest, unless this would be contrary to the intentions of the donor.¹¹²

A presbyter cannot indiscriminately collect Mass intentions and offerings and then combine them into a single intention and offering to be satisfied at a single Mass.¹¹³ With the written permission of the Bishop of Cheyenne and for a limited number of occasions, a presbyter can, when people making the offerings have been previously and explicitly informed and have freely consented, combine Mass offerings and intentions so that they are satisfied with the celebration of a single Mass.¹¹⁴ The time and place for the celebration of this single Mass with the “collective” intention must be made public and no more than two (2) of such Masses can be celebrated in a given week.¹¹⁵ In addition, the presbyter can only keep the approved offering amount, and must give to the Bishop of Cheyenne for deposit in the fund designated by him any amount exceeding the approved offering.¹¹⁶ This fund is designated in the appropriate section in the Appendix.

d. Lost Offerings (Stipends):

Even if the Offering (Stipend) is lost, the presbyter is still obliged to offer a Mass for that intention.¹¹⁷

¹⁰⁹ See *CIC*, c. 950.

¹¹⁰ See *CIC*, c. 945 §1.

¹¹¹ *CIC*, c. 948.

¹¹² See *CIC*, cc. 954-955.

¹¹³ See Congregation for the Clergy, decree *Quoad stipendia a sacerdotibus pro Missis celebrandis accipienda regulae quaedam dantur*, February 22, 1991, art. 1.2 and 5: *AAS* 83 (1991) 445; 446; translation in *Origins* 20:43 (April 4, 1991) 705 and 706; Congregation for Divine Worship and the Discipline of the Sacraments, instruction *Redemptionis Sacramentum*, March 25, 2004 (Washington, DC: United States Conference of Catholic Bishops, 2004) n. 116.

¹¹⁴ *Ibid.*, art. 2.1: *AAS* 83 (1991) 445; *Origins* 20:43, 705.

¹¹⁵ *Ibid.*, art. 2.2: *AAS* 83 (1991) 445; *Origins* 20:43, 705.

¹¹⁶ *Ibid.*, art. 3: *AAS* 83 (1991) 445; *Origins* 20:43, 706; *CIC*, cc. 848; 950;951 §1.

¹¹⁷ *CIC*, c. 949.

e. Multiple Celebrations:

A presbyter who celebrates more than one (1) Mass on the same day may accept a stipend intention for each Mass, but he may only retain the stipend for one (1) Mass.¹¹⁸ The other stipend(s) must be given to the Bishop of Cheyenne for deposit in the fund designated by him. This fund is designated in the appropriate section in the Appendix. When Pastors celebrate more than one (1) Mass on Sundays and Holy Days, they may retain the stipend from one (1) of the Masses to which a stipend is attached since they do not receive a stipend for the Mass offered for their people. The only exception to retaining only one (1) stipend is Christmas, when the presbyter may retain the stipend for three (3) Christmas Masses, provided that he celebrates or concelebrates these Masses at their proper times of the day.¹¹⁹ Presbyters can, however, offer three (3) Masses on the feast of All Souls (provided the second is offered for all the faithful departed and the third is offered for the intention of the Holy Father), but they can only receive a stipend for the first Mass which can be for any intention.¹²⁰

f. Multiple Concelebrations:

A presbyter who concelebrates more than one (1) Mass may receive a stipend for only one (1) of the concelebrated Masses, with the exception of Christmas Masses celebrated at their proper times of the day.¹²¹

g. Record Book of Mass Intentions and Offerings (Stipends):

When a presbyter receives Mass intentions directly from the Christian faithful, he is to keep a book noting Masses received and those sent to others, their stipends, the dates accepted, and the dates celebrated or received by others.¹²² When a parish receives Mass intentions from the Christian faithful and then distributes the stipends to the presbyters who celebrated the Masses, the parish is to keep a book noting Masses received and those sent to other parishes or to priests outside the parish, the offering (stipend) for

¹¹⁸ *CIC*, c. 951 §1.

¹¹⁹ See *CIC*, c. 951 §1; "General Instruction of the Roman Missal," *The Roman Missal*, Third Typical Edition, n. 204 c (New Jersey: Catholic Book Publishing Corporation, 2011) 50.

¹²⁰ See "General Instruction of the Roman Missal," *The Roman Missal*, Third Typical Edition, n. 204 d (New Jersey: Catholic Book Publishing Corporation, 2011) 50; Benedict XV, apostolic constitution *Incrumentum altaris sarificium*, August 10, 1915: AAS 7 (1915) 401-404.

¹²¹ *CIC*, c. 951; General Instruction of the Roman Missal," *The Roman Missal*, Third Typical Edition, n. 204 c (New Jersey: Catholic Book Publishing Corporation, 2011) 50.

¹²² *CIC*, c. 955 §§3 and 4.

each Mass, the dates Mass intentions were accepted, and the dates Masses were celebrated or received by others.¹²³

h. Miscellaneous:

Other matters concerning stipends are governed by canons 945-958.

3. Mass for the People (*Pro Populo*):

Pastors and Parochial Administrators are bound by their office to offer a Mass for their people on Sundays and Holy Days for which they receive no stipend.¹²⁴ (Parochial Vicars, however, are not bound by this obligation.¹²⁵) If another priest offers this Mass, the Pastor must provide the customary stipend to that priest from the Pastor's own resources.¹²⁶ On days which Pastors and Parochial Administrators are required to offer a Mass for their people and by pastoral necessity must offer other additional Masses, they may retain a stipend for one (1) of the additional Masses.¹²⁷

E. Withholding, Social Security and Medicare Taxes:

Although the theology and canon law of the Catholic Church does not equate the relationship of a presbyter to his diocesan bishop as that of an employee to an employer, but rather as that of “son,” “brother,” “co-worker,” “assistant,” or “counselor” to the diocesan bishop,¹²⁸ for the purpose of Federal Income Tax, presbyters are considered to be employees of the institution to which they are assigned. All salary, taxable mileage (mileage over the Internal Revenue Service standard mileage rate for business miles), and reimbursements on a non-accountable plan are subject to federal income taxes, and each pay period the institution to which the presbyter is assigned must withhold the appropriate amount of Federal withholding tax. The amount to be withheld is determined by the presbyter when he completes an Internal Revenue Service Form W-4 and files it with his institution of assignment. The institution is to provide the presbyter each year an Internal Revenue Service Form W-2.

By specific Federal legislation and regulation, presbyters are considered to be self-employed by the Social Security Administration. Presbyters, therefore, are required to pay Social Security and Medicare taxes themselves. For example, salary, current room rate, current board rate, current housekeeping rate, current

¹²³ See *CIC*, cc. 535; 955 §§3 and 4.

¹²⁴ See *CIC*, cc. 388; 534; 539; 540 §1.

¹²⁵ *CIC*, c. 548 §2.

¹²⁶ See *CIC*, cc. 388 §2; 534 §1.

¹²⁷ See *CIC*, c. 951 §1.

¹²⁸ See *CIC*, c. 384; Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops - Apostolorum successores*, February 22, 2004 (Vatican City: Libreria Editrice Vaticana, 2004) nn. 75-77.

laundry service rate, taxable mileage, stipends and gifts received on the occasion of conferring a sacrament or sacramental constitute income subject to these taxes. Please see the appropriate section in the Appendix for the recommended value of the presbyter's room, board, housekeeping and laundry service in order to compute Social Security and Medicare Taxes. Institutions to which presbyters are assigned are prohibited from directly contributing to or withholding Social Security and Medicare Taxes. Presbyters are to pay these taxes on a quarterly basis using the Internal Revenue Service Form 1040-ES or are to request on their Internal Revenue Service Form W-4 that the institution to which they are assigned withhold an additional, estimated amount of Federal Withholding Tax sufficient to cover their Social Security and Medicare Taxes.

As a matter of particular law of the Diocese of Cheyenne, all presbyters incardinated into the Diocese of Cheyenne are required to participate in the Social Security and Medicare Program.

F. Health Insurance:¹²⁹

1. Presbyters will receive medical, dental and optional vision insurance from the insurance provider selected by the Bishop of Cheyenne. The percentage of the insurance premiums paid by the institution, to which the presbyter is assigned, is found in the appropriate section in the Appendix. If a presbyter has several assignments, one of the institutions will be designated as the paying institution, and the other institution(s) will reimburse the paying institution for their prorated share of the presbyter's medical and dental insurance premiums. Presbyters are responsible for all other healthcare expenses, such as, but not limited to, deductibles, co-payments, costs over prevailing charges and non-covered items.
2. Presbyters attaining the age of 65, who continue to actively minister (e.g., continue as a Pastor of a parish), are urged to consult with the human resource person of the Diocese of Cheyenne and/or their financial planner as to whether to apply for Medicare Insurance Part A (Hospital Insurance) and/or Medicare Insurance Part B (Medical Insurance). If presbyters elect to apply for Part A, but not Part B, presbyters are reminded to apply for Part B when they retire and go off the regular insurance plan for presbyters of the Diocese of Cheyenne.
3. The Diocese of Cheyenne will assist incardinated presbyters who lack sufficient financial means to pay for all their medical and psychological expenses for treatments not covered by the insurance provider selected by the Bishop for the Diocese of Cheyenne. The amount of assistance to be provided will be determined by the Bishop based upon the expense of the treatment and the personal assets and income of the presbyter. Presbyters

¹²⁹ See *CIC*, cc. 281 §2; 384.

will ordinarily be expected to pay at least twenty percent (20%) of the expense of the treatment not covered by the insurance provider.

G. Health Evaluations:

The maintenance of a presbyter's health is his personal responsibility. He is strongly urged to exercise regularly and to eat a balanced diet. He is strongly encouraged to have an annual physical and regular dental and eye examinations. A presbyter who has been ill or who continues in office after he has reached his 75th birthday may be evaluated annually by a healthcare professional to ensure he has the proper physical and mental ability to fulfill his duties (see "Age of Retirement," page 37). A presbyter may be asked to undergo a psychological evaluation; and, although he cannot be required to do so or to release the results to the Bishop of Cheyenne, he may freely and explicitly agree to undergo the testing and to release the results.¹³⁰

H. Disability Insurance:¹³¹

1. Long-Term Disability Insurance:

Presbyters will receive long-term disability insurance from the insurance provider selected by the Bishop for the Diocese of Cheyenne. The insurance premium will be paid by the institution to which the presbyter is assigned. If a presbyter has several assignments, one of the institutions will be designated as the paying institution, and the other institution(s) will reimburse the paying institution for their prorated share of the presbyter's long-term disability insurance premium.

2. St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne:

Every incardinated presbyter of the Diocese of Cheyenne is to apply for membership in the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne upon ordination to the presbyterate or incardination into the Diocese of Cheyenne, unless specifically excused in writing by the Bishop of Cheyenne. The St. Joseph's Society provides to its members a Disability Benefit. The institution to which the presbyter is assigned will pay the annual employer contribution to the St. Joseph's Society. If a presbyter has several assignments, one of the institutions will be designated as the paying institution, and the other institution(s) will

¹³⁰ See Secretariat of State, instruction, August 6, 1976: in Gregory Ingels, "Protecting the Right to Privacy When Examining Issues Affecting the Life and Ministry of Clerics and Religious," *Studia Canonica* 34 (2000) 444, footnote 10; Congregation for the Clergy, letter, October 8, 1999: in William H. Woestman, OMI, *The Sacrament of Order and the Clerical State*, 3rd ed. (Ottawa, Canada: Faculty of Canon Law, Saint Paul University, 2006) 431; Congregation for the Clergy, letter, July 12, 2012: *Roman Replies and CLSA Advisory Opinions* (2012) 11.

¹³¹ *Ibid.*; see also *CIC*, cc. 538 §3; 1274 §1; National Conference of Catholic Bishops, *Norms for Priests and Their Third Age [Third Age]*, February 23, 1988 (Washington, DC: United States Catholic Conference, 1988) n. 9.

reimburse the paying institution for their prorated share of the presbyter's employer contribution to St. Joseph's Society.

3. Social Security and Medicare Insurance:

By particular law of the Diocese of Cheyenne, presbyters incardinated into the Diocese of Cheyenne are required to participate in the Social Security and Medicare Insurance Programs, and they are personally responsible for the applicable Social Security and Medicare Taxes that make them eligible for disability benefits from the Federal Government.

I. Retirement Contributions:¹³²

1. St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne:

Every incardinated presbyter of the Diocese of Cheyenne is to apply for membership in the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne upon ordination to the presbyterate or incardination into the Diocese of Cheyenne, unless specifically excused in writing by the Bishop of Cheyenne. The St. Joseph's Society provides to its members a Retirement Benefit. The institution to which the presbyter is assigned will pay the annual employer contribution to the St. Joseph's Society. If a presbyter has several assignments, one of the institutions will be designated as the paying institution, and the other institution(s) will reimburse the paying institution for their prorated share of the presbyter's employer contribution to St. Joseph's Society.

2. 403(b) Thrift Savings Plan:

A 403(b) Thrift Savings Plan is provided to incardinated presbyters of the Diocese of Cheyenne. Incardinated presbyters are eligible for employer matching contributions, and are expected to make the employee contribution in order to qualify for the employer matching contribution.

3. Personal Retirement Funds:

Presbyters are expected to place a portion of their income aside for their retirement, especially if they are a delayed vocation without retirement funding from their previous occupation(s). To facilitate personal saving for retirement, presbyters are encouraged to make voluntary contributions to their personal retirement funds (e.g., the 403(b) Thrift Savings Plan, an Individual Retirement Account (IRA), or a Roth IRA).¹³³

¹³² See *CIC*, cc. 281 §1; 384; 538 §3; 1274 §1; *Third Age*, n. 10.

¹³³ *Ibid.*

4. Social Security and Medicare Insurance:

By particular law of the Diocese of Cheyenne, presbyters incardinated into the Diocese of Cheyenne are required to participate in the Social Security and Medicare Insurance Programs, and they are personally responsible for the applicable Social Security and Medicare Taxes that make them eligible for retirement benefits from the Federal Government.

5. Delayed Vocations and Presbyters Who Incardinated into the Diocese:

Delayed Vocations are to determine and secure the benefits due them from the retirement funding provided by their previous occupation(s) and employer(s). Presbyters who are incardinated into the Diocese of Cheyenne after excardinating from another diocese, an institute of consecrated life or society of apostolic life are to determine and secure the benefits due them from the retirement funding provided their former diocese, institute or society.

In the event that a presbyter incardinated into the Diocese of Cheyenne without vesting in the retirement program of the Diocese, institute of consecrated life or society of apostolic life from which he excardinated and/or if the presbyter has received a lump-sum retirement payment from his former place of incardination, the Board of Directors of the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne can allow the years of ordination which the presbyter accumulated before becoming a member of the St. Joseph's Society to be used in the computation of retirement and disability benefits, provided that the Diocese of Cheyenne and/or the presbyter, within five (5) years of the presbyter being incardinated in the Diocese and becoming a regular member of the Society, makes a contribution and/or the transfer of the lump-sum payment to the St. Joseph's Society. In the event that the transfer of the lump-sum payment is inadequate to cover the Society's expense for covering all the years of ordination prior to becoming a member of the St. Joseph's Society, the Diocese of Cheyenne can make a contribution to provide for the remaining years of ordination. In the event that the transfer of the lump-sum is greater than that which is needed to cover the expense for all the years of ordination prior to becoming a member of the Society, the difference will be refunded to the presbyter. In the event that the information in this Directory conflicts with the governing documents of the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, the governing documents of the Society are authoritative.¹³⁴

¹³⁴ St. Joseph's Society, *Bylaws*, bylaw VI, E.

6. Nonparticipation in Retirement Funding Opportunities Offered by the Diocese of Cheyenne:

Failure by a presbyter to participate in the retirement funding programs available to him does not constitute an obligation by the Bishop of Cheyenne or the Diocese of Cheyenne to compensate the presbyter who has made such a choice for any lost retirement funding.¹³⁵

J. Life Insurance:

Presbyters with assignments will receive life insurance from the insurance provider selected by the Bishop for the Diocese of Cheyenne. The insurance premium will be paid by the institution to which the presbyter is assigned. If a presbyter has several assignments, one of the institutions will be designated as the paying institution, and the other institution(s) will reimburse the paying institution for their prorated share of the presbyter's long-term disability insurance premium.

Each presbyter is strongly encouraged to purchase life insurance in order to provide for any needy or dependent members of his family and to serve as a work of charity.

K. Prayer:

1. Daily Prayer:

Presbyters are to plan their daily schedule in order to assure time for offering the Holy Sacrifice of the Mass, for praying the Liturgy of the Hours, and for maintaining and deepening a spirit of prayer appropriate to their state of life.¹³⁶ Presbyters are strongly encouraged to make a daily Holy Hour and to foster a devotion to the Blessed Virgin Mary.¹³⁷

2. Prayer Day:

Presbyters may spend a day in prayer each month, which may include one (1) night's lodging.¹³⁸ The institution to which the presbyter is assigned will pay for meals, lodging and mileage for this day.

¹³⁵ See *CIC*, cc. 281 §1; 384; 538 §3; 1274 §1; Pontifical commission for the Interpretation of Legislative Texts, decree, April 29, 2000: *Roman Replies and CLSA Advisory Opinions* (2001) 7-12.

¹³⁶ See *CIC*, cc. 276 §1 and §2, 1°, 2° and 3°; 904; 1174 §1; Congregation for the Clergy, *Directory for the Life and Ministry of Priests*, January 31, 1994 (Vatican City: Libreria Editrice Vaticana, 1994) n. 39; National Conference of Catholic Bishops, *The Basic Plan for the Ongoing Formation of Priests*, November 1999 (Washington, DC: United States Catholic Conference, 2001) 36; *General Instruction for the Roman Missal*, n. 19; *Redemptionis Sacramentum*, nn. 110 and 166.

¹³⁷ See *CIC*, c. 276 §2, 5°; *Directory for the Life and Ministry of Priests*, nn. 50 and 68.

¹³⁸ See *CIC*, c. 276 §2, 5°.

3. Annual Retreats:

- a. All presbyters are to attend the annual retreat for the presbyters of the Diocese of Cheyenne.¹³⁹ Permission to miss the retreat must be obtained from the Bishop of Cheyenne prior to the retreat, and the presbyter must arrange to make a five (5) day retreat at a recognized retreat center approved by the Bishop. To leave the retreat before its closing, permission must be obtained from the Bishop of Cheyenne.
- b. In addition to the annual priests' retreat, presbyters may make up to one (1) additional retreat of up to five (5) days at a recognized and reasonably priced retreat center approved by the Bishop of Cheyenne. The institution to which the presbyter is assigned will pay the expenses of these retreats.

4. Confessor, Spiritual Director and Support Group:

Presbyters are strongly encouraged to have a regular confessor and spiritual director, and to belong to a presbyters' support group.¹⁴⁰ The institution to which the presbyter is assigned will pay the lodging, meal and mileage expenses for the presbyter's support group meetings, and for meetings with his confessor or spiritual director.

L. Time Off:¹⁴¹

1. Personal Time and Days Off:

The presbyter is to take some personal time each day and is to be able to take one (1) day and two (2) nights off each week. Days off do not accrue. Expenses incurred on the presbyter's day off are his personal responsibility.

2. Vacation:

The presbyter is entitled to one (1) month (thirty (30) days) of vacation each year.¹⁴² If the presbyter will be vacationing away from his assignment for more than a week (seven (7) days), he is to notify the Local Ordinary, or his delegate.¹⁴³ During his vacation, he will continue to receive his regular monthly salary with no mileage or meal

¹³⁹ See *CIC*, cc. 276 §2, 4°; 533 §2; 550 §3; *Directory for the Life and Ministry of Priests*, n. 85; *The Basic Plan for the Ongoing Formation of Priests*, 36; see also *Statutes of the Diocese of Cheyenne, Second Synod*, n. 2.

¹⁴⁰ See *CIC*, cc. 275 §1; 276 §2, 5°; *Directory for the Life and Ministry of Priests*, n. 53; *The Basic Plan for the Ongoing Formation of Priests*, 36.

¹⁴¹ See *CIC*, c. 283 §2.

¹⁴² See *CIC*, cc. 202 §1; 283 §2; 533 §2; 549.

¹⁴³ *Ibid.*

reimbursements. Vacation expenses are the sole responsibility of the presbyter.

The institution to which the presbyter is assigned will pay the expenses for supplying a substitute presbyter. The presbyter, however, is responsible for locating and arranging for his own substitute. Each substitute presbyter's bishop or superior is to provide a letter certifying that the substitute priest is a priest in good standing, and a copy is to be sent to the Chancellor.

The current substitute presbyter compensation is as follows:

- a. Substitute's Remuneration (see the appropriate section in the Appendix)
- b. Transportation or Mileage to and from assignment, based upon an accountable plan
- c. Local Transportation or Mileage, based upon an accountable plan
- d. Room and Board
- e. Mass and Funeral Offerings
- f. Ministerial expenses, based upon an accountable plan

In the extreme case where a Pastor has diligently tried on his own and then with the assistance of the Chancellor to find a priest to cover Masses during his vacation and cannot find a priest, the Diocesan Bishop can give the Pastor permission to schedule on two (2) consecutive weekends Sunday Celebrations in the Absence of a Priest so that the priest may have close to three (3) weeks of vacation.¹⁴⁴ If the petition is granted, the presbyter must arrange for a liturgy to be celebrated on those Sundays by a person duly authorized by the Bishop of Cheyenne to lead these liturgies. The appropriate ritual, Sunday Celebrations in Absence of a Priest, is to be used, and all the norms for such celebrations are to be observed.¹⁴⁵ The deacon is the preferred minister to preside at Sunday Celebrations in the Absence of a Priest.¹⁴⁶ There will always be petitions in the Prayers of the Faithful for vocations to the priesthood, for the pastor and for the diocesan

¹⁴⁴ The Most Reverend Paul D. Etienne, DD, STL, *Diocesan Norms for Sunday Celebrations in the Absence of a Priest*, February 2, 2012 (Archives of the Diocese of Cheyenne) norm 7.

¹⁴⁵ See Congregation for Divine Worship, *Directory for Sunday Celebrations in the Absence of a Priest*, June 2, 1988 (Washington, DC: United States Catholic Conference, 1988); Committee on the Liturgy, United States Conference of Catholic Bishops, *Sunday Celebrations in the Absence of a Priest* (Washington, DC: United States Conference of Catholic Bishops, 2007); *Diocesan Norms for Sunday Celebrations in the Absence of a Priest*.

¹⁴⁶ See *Directory for Sunday Celebrations in the Absence of a Priest*, n. 29; *Sunday Celebrations in the Absence of a Priest*, n. 23; *Diocesan Norms for Sunday Celebrations in the Absence of a Priest*, norm 10.

bishop.¹⁴⁷ Before the final dismissal, a prayer for vocations is to be recited by all present.¹⁴⁸

3. Sick Leave:¹⁴⁹

Presbyters are entitled to up to six (6) undocumented sick days each year. If a presbyter is seriously ill, he is to inform his Dean and the Bishop.¹⁵⁰ The Bishop of Cheyenne, in consultation with the presbyter, his power of attorney for healthcare, and/or, his physician(s), will determine the length of leave necessary and the duties for which the incapacitated presbyter will be responsible. For a short illness, the presbyter will be responsible for coverage in his assignment, and for an extended illness, the Bishop of Cheyenne will assist in arranging coverage.

4. Personal Leave:

Presbyters may receive personal leave for such things as family illness or death of family members. The Bishop of Cheyenne will determine the length of this personal leave.

M. Continuing Education:

1. Daily Study:

Presbyters are encouraged to take time during their day to study the sacred sciences and pastoral methods, and to keep themselves informed of developments in the other sciences.¹⁵¹

2. Institutes:

All presbyters are to attend the Fall and Winter Institutes. Permission to be absent must be obtained from the Bishop of Cheyenne prior to the Institute.¹⁵² The institution to which the presbyter is assigned will pay the expense of attendance.

¹⁴⁷ See *Directory for Sunday Celebrations in the Absence of a Priest*, n. 44; *Sunday Celebrations in the Absence of a Priest*, n. 57; *Diocesan Norms for Sunday Celebrations in the Absence of a Priest*, norm 19.

¹⁴⁸ See *Directory for Sunday Celebrations in the Absence of a Priest*, n. 65; *Diocesan Norms for Sunday Celebrations in the Absence of a Priest*, norm 20.

¹⁴⁹ See *CIC*, c. 281 §2.

¹⁵⁰ See *CIC*, c. 553 §3.

¹⁵¹ See *CIC*, c. 279 §§1 and 3; *The Basic Plan for the Ongoing Formation of Priests*, 36.

¹⁵² See *CIC*, c. 279 §2; *The Basic Plan for the Ongoing Formation of Priests*, 36; see also *Statutes of the Diocese of Cheyenne, Second Synod*, n. 8.

3. Workshops, Conferences and Symposiums:

Presbyters are encouraged to participate in workshops, conferences and symposiums.¹⁵³ When directly related to the presbyter's ministry, the expenses for these educational experiences will be covered by the institution to which the presbyter is assigned. Funds may be available from the Wyoming Catholic Ministries Foundation, and application is made directly to the Foundation. Covered expenses include registration fees, lodging, meals, travel and the expenses of a substitute presbyter, when one is needed.

4. Sabbatical:

A sabbatical is an opportunity for renewal, education and rest, and is usually three (3) to six (6) months in duration. A presbyter, after serving a minimum of nine (9) years and every nine (9) years, thereafter may request permission from the Bishop of Cheyenne to participate in a sabbatical program.¹⁵⁴ This sabbatical must be approved by the Bishop of Cheyenne, may include those that are listed in *Sabbatical Opportunities*, published by the National Organization for Continuing Education of Roman Catholic Clergy (NOCERCC). A letter describing the program, its expenses, and the benefits to the presbyter will be submitted to the Vicar General for his recommendation to the Bishop of Cheyenne in the fiscal year prior to the planned sabbatical. If multiple requests are submitted for a given year, consideration will be given to the presbyter with the most seniority and/or whether the presbyter has previously had a sabbatical.

Presbyters are requested to seek grants to fund the sabbatical, including covering the expense of registration, tuition, fees, lodging, meals, travel, and the stipend and travel expenses of a substitute presbyter. They should apply, among other places, to the Wyoming Catholic Ministries Foundation. If the grants are insufficient to cover the expenses of the sabbatical, the Diocese of Cheyenne will cover the remainder. The institution to which the presbyter is assigned will provide the presbyter with the same salary and benefits he would receive if he were on vacation and will be responsible for the lodging, meal and ministerial expenses of the substitute presbyter.

Upon the completion of the sabbatical, the presbyter will complete a written evaluation of his experience and the program, and will submit it to the Bishop of Cheyenne.

¹⁵³ See *CIC*, c. 279 §2; *The Basic Plan for the Ongoing Formation of Priests*, 36.

¹⁵⁴ See *CIC*, c. 279; *Directory for the Life and Ministry of Priests*, n. 83.

5. Extended Study:

Occasionally a presbyter may request or may be asked to do extended study either on a full-time basis, part-time basis or during the summer.¹⁵⁵ Funding for this program of study will be negotiated with the Bishop of Cheyenne. Salary and benefits will be provided for the presbyter by the institution to which the presbyter is assigned when the studies are on a part-time basis or during the summer, and by the Diocese of Cheyenne when the presbyter is assigned to full-time studies during the regular academic year.

N. Moving Expenses:

When a presbyter is transferred to a new assignment, his moving expenses will be paid by the institution to which the presbyter is being assigned. A newly ordained presbyter is to have his moving expenses paid by the institution to which he is being assigned. If an institution finds this burdensome, arrangements are to be made with the Diocese of Cheyenne to assist with the expenses. The Diocese of Cheyenne will pay the moving expenses of an extern presbyter to bring him to the Diocese and to return him home. When a presbyter retires, the institution from which he retires will pay his moving expenses.

VI. BENEFITS FOR PRESBYTERS WITH ASSIGNMENTS OUTSIDE OF THE DIOCESE:

A. Incardinated Presbyters Assigned to Full-time Extended Studies:

Presbyters assigned to full-time extended studies will have their tuition, room and board, fees and other academic expenses, including transportation to and from the institution of study, paid by the Diocese of Cheyenne. These presbyters will receive the same salary and benefits as those incardinated presbyters with assignments in the Diocese of Cheyenne. The Diocese of Cheyenne will pay his salary and benefits.

B. Other Situations:

1. General Provisions:

Presbyters incardinated into the Diocese of Cheyenne for a just cause, such as the good of the Church or their own personal good, may be given permission by the Bishop of Cheyenne to accept assignments outside the territory of the Diocese of Cheyenne. Such assignments may be considered for service as a chaplain in the United States Armed Forces, an office in another diocese, national Church organizations or the Roman

¹⁵⁵ Ibid.

Curia, an office in a missionary or third world diocese, a teaching or administrative position in a recognized Catholic university or college and other similar situations.

2. Remuneration and Benefits:

Presbyters with assignments outside the territory of the Diocese of Cheyenne are expected to support themselves through the remuneration and benefits provided by these offices or positions. If the remuneration is insufficient for the adequate support of the presbyter, he is to negotiate with the Bishop of Cheyenne for supplementary salary and benefits from the Diocese of Cheyenne. Such salary and benefits are not to exceed what the presbyter would have received if he had an assignment in the Diocese of Cheyenne, and may include Health, Disability and Life Insurance and retirement contributions. Ordinarily, the employing institution is expected to pay the annual contribution to the St. Joseph's Society: Clergy Retirement Program of the Diocese of Cheyenne. If this cannot be done, and the Bishop of Cheyenne does not give permission for another retirement funding program to be substituted for the St. Joseph's Society, the Diocese of Cheyenne will make the annual contribution for the presbyter. A contract is recommended between the competent superior, bishop or institution for the service of the presbyter and the Bishop of Cheyenne, or if not possible, the presbyter, and should delineate the remuneration and benefits the presbyter is to receive.¹⁵⁶

VII. BENEFITS FOR RETIRED PRESBYTERS:

A. Age of Retirement:

Pastors are requested to submit a letter of resignation when they reach their 75th birthday, but may submit such a letter when they reach their 70th birthday.¹⁵⁷ Presbyters who are not pastors are also asked to submit a letter of resignation when they reach their 75th birthday, and they too may submit such a letter when they reach their 70th birthday.¹⁵⁸ A presbyter who continues in office after he has reached his 75th birthday may be requested to undergo an annual evaluation by a healthcare professional to ensure that he has the proper physical and mental ability to fulfill his duties (see "H. Health Evaluation:" on page 42).

¹⁵⁶ See *CIC*, c. 271 §1.

¹⁵⁷ See *CIC*, c. 538 §3; see also *Third Age*, n. 1.

¹⁵⁸ See *Third Age*, n. 2.

B. Retirement Benefits:

1. General Provisions:

From the retirement benefits as described below, the Bishop of Cheyenne fulfills his obligation to provide for the support and care of retired presbyters, including the obligation to provide for housing.¹⁵⁹

2. St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne:

Every incardinated presbyter of the Diocese of Cheyenne is to have applied for and obtained membership in the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, unless specifically excused in writing by the Bishop of Cheyenne. Prior to or upon retiring, a retired presbyter is to petition the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne for his retirement benefit.¹⁶⁰ A presbyter who has the written permission of the Bishop of Cheyenne to be excused from joining the St. Joseph's Society is to utilize the method and resources he has substituted for the retirement benefits that he would have received from the Society.

3. 403(b) Thrift Savings Plan:

A 403(b) Thrift Savings Plan has been provided to incardinated presbyters of the Diocese of Cheyenne. Incardinated presbyters are expected to have participated in this program, and are to utilize this retirement savings to provide for their retirement.¹⁶¹

4. Personal Retirement Funds:

Presbyters are expected to have placed a portion of their income aside for their retirement, especially if they are a delayed vocation without a retirement fund from their previous occupation(s). To facilitate personal savings for retirement, presbyters are encouraged to make voluntary contributions to their personal retirement funds (e.g., the 403(b) Thrift Savings Plan, an Individual Retirement Account (IRA), or a Roth IRA).¹⁶²

5. Social Security and Medicare Benefits:

By particular law of the Diocese of Cheyenne, presbyters incardinated into the Diocese of Cheyenne are required to participate in the Social Security

¹⁵⁹ See *CIC*, cc. 281 §1; 384; 538 §3; 1274 §1; *Third Age*, nn. 8-10.

¹⁶⁰ St. Joseph's Society, *Bylaws*, bylaw VI, B.

¹⁶¹ See *CIC*, cc. 281 §1; 384; 538 §3; 1274 §1; *Third Age*, n. 10.

¹⁶² *Ibid.*

and Medicare Insurance Programs. Upon retiring, they are to apply for Social Security and Medicare benefits, if they have not already done so.

6. Other Retirement Funds:

Presbyters with other funds for retirement, such as retirement benefits from a former diocese, institutes of consecrated life or society of apostolic life, Military or Federal pensions, or pensions or other retirement programs from former employers are to utilize these resources to finance their retirement.

7. Diocesan Retirement Assistance:

Failure by a presbyter to participate in the retirement funding programs made available to the presbyter does not constitute an obligation by the Bishop of Cheyenne or the Diocese of Cheyenne to compensate the presbyter who has made such a choice for any lost retirement funding.¹⁶³ The Bishop of Cheyenne, however, will assist incardinated presbyters of the Diocese of Cheyenne to meet their legitimate retirement needs when through no fault of their own they are not able to do so. The amount of diocesan assistance will be determined by the Bishop of Cheyenne. In determining the amount of assistance, he will consider the presbyter's retirement benefits from the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, 403(b) Thrift Savings Program, personal retirement savings, Social Security and Medicare benefits, other retirement benefits for which the presbyter is eligible or receiving, government assistance and entitlement payments, personal assets and need.

C. Room and Board:¹⁶⁴

1. General Provisions:

Retired presbyters are expected to provide for their room and board and other living expenses from their retirement benefits.

2. Place of Retirement:

When presbyters retire, they are encouraged to reside within the Diocese of Cheyenne. Presbyters are also encouraged to live in a house, apartment or condominium, which they own, rent or lease.

¹⁶³ See *CIC*, cc. 281§1; 384; 538 §3; 1274 §1; *Third Age*, nn. 8; 10; Pontifical Commission for the Interpretation of Legislative Texts, decree, April 29, 2000: *Roman Replies and CLSA Advisory Opinions* (2001) 7-12.

¹⁶⁴ See *CIC*, c. 538 §3; *Third Age*, c. 8.

3. Residency in a Parish House or Apartment Other than a Rectory:

When a parish owns a house or apartment distinct from the rectory, the pastor may invite a retired presbyter to reside in this facility. This invitation will be: 1) for a determined period of time mutually agreeable to the pastor and the retired presbyter, and if the pastor changes, the retired presbyter retains the right to continue to reside in this facility until the expiration of the previously agreed upon time; or 2) until the retired presbyter is unable to care for himself in this living arrangement (see “H. Health Evaluation:” on page 42). A retired presbyter can at any time choose to find different accommodations. The retired presbyter will pay to the parish the Retired Presbyter Room Rate (the Room Rate used by presbyters for computing Social Security and Medicare Taxes). The retired presbyter would not ordinarily receive laundry or housekeeping service, and would be responsible for his telephone, internet and television services. The retired presbyter will normally provide his own board, but he can arrange to take some meals in the parish rectory. When retired presbyters assist the pastor and the parish in some light duties, they are to be compensated. For the above rates see the appropriate section in the Appendix. All of the above should be in a written agreement between the pastor and the retired presbyter.

4. Residency in a Parish Rectory:

After having obtained the consent of the Bishop of Cheyenne, and if the pastor desires, having heard the parish finance council and/or the parish pastoral council, a pastor may invite a retired presbyter to reside in the parish rectory. This invitation will be: 1) for a determined period of time mutually agreed to by the Bishop of Cheyenne, the pastor and the retired presbyter, but not longer than the remaining time in the pastor’s term of office; 2) until the pastor ceases from office; or 3) until the retired presbyter is unable to care for himself in this arrangement (see “H. Health Evaluation:” on page 42). A retired presbyter can at any time choose to find different accommodations. The retired presbyter will pay to the parish the Retired Presbyter Room Rate (the Room Rate used by presbyters for computing Social Security and Medicare Taxes), and, if receiving board, he will also pay the Retired Presbyter Board Rate (the Board Rate used by presbyters for computing Social Security and Medicare Taxes), if receiving housekeeping services, the Retired Housekeeping Rate (the Housekeeping Rate used by presbyters for computing Social Security and Medicare Taxes), and if receiving laundry services, the Retired Presbyter Laundry Rate (the Laundry Rate used by presbyters for computing Social Security and Medicare Taxes). Room will normally include laundry and housekeeping services, and access to a telephone, internet access and a community television. Room does not include a private telephone line or cellular phone, and if there is an

additional expense to the parish, television in the retired presbyter's room. Board will include any meals normally prepared in the parish rectory by a housekeeper and the availability of groceries to prepare the other meals of the day. Board does not usually include meals eaten out in restaurants. When retired presbyters assist the pastor and the parish in some light duties, they are to be compensated. For the above rates see the appropriate section in the Appendix. While retired presbyter's health care is his responsibility, he is to keep the pastor informed of his health and needs. All of the above should be in a written agreement between the pastor and the retired presbyter.

D. Automobile:

1. Ownership:

Retired presbyters are responsible for providing their own automobiles for ministerial and personal use and for the maintenance and upkeep of their automobiles. Retired presbyters should carefully monitor their driving abilities, and when no longer able to drive safely to surrender their driver's license and vehicles.

2. Mileage:

The retired presbyter will receive reimbursement for mileage from the Diocese of Cheyenne for all travel for deanery business, common diocesan business, spiritual direction, a monthly prayer day and a monthly presbyters' support group meeting.¹⁶⁵ The sponsoring institution, council, board, committee, organization or group will reimburse the presbyter for mileage for his travel to meetings, conferences or other functions.¹⁶⁶

The mileage reimbursement rate will be the current Internal Revenue Service standard mileage rate for business miles. The current figure is found in the appropriate section in the Appendix.

3. Automotive Insurance:

The retired presbyter is to provide his own automotive insurance. He is to provide the minimum coverage outlined in the appropriate section in the Appendix. Although this is the minimum required coverage, each retired

¹⁶⁵ Examples of parish, deanery and common diocesan business include: deanery meetings, installations of pastors, confirmations, clergy day of recollection and Chrism Mass, ordinations, jubilees, fall and winter institutes, the annual presbyters retreat, and diocesan celebrations. Examples which do not qualify for reimbursement include: recreational activities, personal financial endeavors, personal medical travel, and the clergy golf tournament.

¹⁶⁶ For example, presbyters are to receive their mileage reimbursement from the Diocese of Cheyenne for travel for meetings of the College of Consultors, Presbyteral Council, Diocesan Finance Council, Diocesan Pastoral Council or other diocesan advisory boards, unless these meetings are in conjunction with events that the institution of assignment reimburses for mileage, in which case the institution of assignment reimburses the presbyters.

presbyter should consider his specific financial situation and whether additional coverage would be appropriate.

E. Offerings (Stipends):

1. General Provisions:

All the norms governing offerings (stipends) in the “Benefits for Presbyters with Assignments in the Diocese of Cheyenne” apply to retired presbyters (see pages 22-26).

2. Mass Offerings (Stipends):

If a retired presbyter is in need of Mass Intentions and Offerings, he should contact the Office of the Bishop.

F. Withholding, Social Security and Medicare Taxes:

Retired presbyters are personally responsible for paying the appropriate Income, Social Security and Medicare Taxes that they owe on their various forms of income. Retired presbyters who substitute in a parish and receive more than the amount determined by the Internal Revenue Service from a specific parish in a given year are to receive an Internal Revenue Service Form 1099 from that parish.

G. Health Insurance:¹⁶⁷

1. Retired presbyters are expected to apply for and receive Medicare Insurance Part A (Hospital Insurance) and Medicare Insurance Part B (Medical Insurance). The premium for Medicare Insurance is the responsibility of the retired priest. Retired presbyters are to receive Supplemental Medicare Health Insurance from the insurance provider selected by the Bishop of Cheyenne. The percentages of the Supplemental Medicare Health Insurance premium paid by the Diocese of Cheyenne and by the presbyter are given in the appropriate section in the Appendix. Retired presbyters are responsible for all other healthcare expenses, such as, but not limited to, deductibles, co-payments, costs over prevailing charges and non-covered items.
2. In the event that a presbyter retires before being eligible for Medicare Insurance, the Diocese of Cheyenne is to provide health insurance for the retired presbyter. The percentages of the health insurance premium paid by the Diocese of Cheyenne and by the presbyter are given in the appropriate section in the Appendix. Retired presbyters are responsible for all other healthcare expenses, such as, but not limited to, deductibles, co-payments, costs over prevailing charges and non-covered items.

¹⁶⁷ See *CIC*, cc. 281 §1; 384; 1274 §1; *Third Age*, n. 9.

3. The Diocese of Cheyenne will assist retired presbyters who lack sufficient financial means to pay for all their medical and psychological expenses for treatments not covered by the Medicare Insurance or the Supplemental Medicare Insurance or other healthcare insurance provided by the Diocese of Cheyenne. The amount of assistance to be provided will be determined by the Bishop based upon the expenses of the treatment and the personal assets and retirement income and expenses of the retired presbyter. Retired presbyters will ordinarily be expected to pay at least twenty percent (20%) of the expenses of the treatment not covered by insurance.

H. Health Evaluation:

The maintenance of a retired presbyter's health is his personal responsibility. He is strongly urged to exercise regularly and to eat a balanced diet. He is strongly encouraged to have an annual physical and regular dental and eye examinations. A retired presbyter may be requested to undergo an annual health evaluation by a healthcare professional in order to insure he has the proper physical and mental ability to continue in his current living arrangements and to assist him and the Bishop of Cheyenne in determining that the retired presbyter's healthcare needs are being met. A retired presbyter may be asked to undergo a psychological evaluation; and, although he cannot be required to do so or to release the results to the Bishop of Cheyenne, he may freely and explicitly agree to undergo the testing and to release the results.¹⁶⁸

I. Prayer:

1. Daily Prayer:

Retired presbyters are to plan their daily schedule in order to assure time for offering the Holy Sacrifice of the Mass, for praying the Liturgy of the Hours, and for maintaining and deepening a spirit of prayer appropriate to their state of life.¹⁶⁹ Retired presbyters are strongly encouraged to make a daily Holy Hour and to foster a devotion to the Blessed Virgin Mary.¹⁷⁰

¹⁶⁸ See Secretariat of State, instruction, August 6, 1976: in Gregory Ingels, "Protecting the Right to Privacy When Examining Issues Affecting the Life and Ministry of Clerics and Religious," *Studia Canonica* 34 (2000) 444, footnote 10; Congregation for the Clergy, letter, October 8, 1999: in William H. Woestman, OMI, *The Sacrament of Order and the Clerical State*, 3rd ed. (Ottawa, Canada: Faculty of Canon Law, Saint Paul University, 2006) 431; Congregation for the Clergy, letter, July 12, 2012: *Roman Replies and CLSA Advisory Opinions* (2012) 11.

¹⁶⁹ See *CIC*, cc. 276 §1 and §2, 1^o, 2^o and 3^o; 904; 1174 §1; *Directory for the Life and Ministry of Priests*, n. 39; *The Basic Plan for the Ongoing Formation of Priests*, 36; *General Instruction for the Roman Missal*, n. 19; *Redemptionis Sacramentum*, nn. 110 and 166.

¹⁷⁰ See *CIC*, c. 276 §2, 5^o; *Directory for the Life and Ministry of Priests*, nn. 50 and 68.

2. Annual Retreats:

Retired presbyters are invited to attend the annual retreat for the presbyters of the Diocese of Cheyenne.¹⁷¹ To leave the retreat before its closing, permission must be obtained from the Bishop of Cheyenne. In addition to the annual priests' retreat, retired presbyters may make up to one (1) additional retreat of up to five (5) days at a recognized retreat center approved by the Bishop of Cheyenne. The Diocese of Cheyenne will pay the expenses of these retreats including mileage for the retired presbyters.

3. Confessor, Spiritual Director and Support Group:

Retired presbyters are strongly encouraged to have a regular confessor and spiritual director, and to belong to a presbyters' support group.¹⁷² The Diocese of Cheyenne will pay the lodging, meal and mileage expenses for the retired presbyter's support group meetings, and for meetings with his confessor or spiritual director.

J. Continuing Education:

1. Daily Study:

Retired presbyters are encouraged to take time during their day to study the sacred sciences and pastoral methods, and to keep themselves informed of developments in the other sciences.¹⁷³

2. Institutes:

Retired presbyters are invited to attend the Fall and Winter Institutes. The Diocese of Cheyenne will pay the expense of attendance.¹⁷⁴

K. Moving Expenses:

When a presbyter retires, the institution from which he retires will pay his moving expenses. When a presbyter relocates after retirement, he is personally responsible for his moving expenses.

¹⁷¹ See *CIC*, cc. 276 §2, 4°; 533 §2; 550 §3; *Directory for the Life and Ministry of Priests*, n. 85; *The Basic Plan for the Ongoing Formation of Priests*, 36; *Third Age*, n. 11; see also *Statutes of the Diocese of Cheyenne*, *Second Synod*, n. 2.

¹⁷² See *CIC*, cc. 275 §1; 276 §2, 5°; *Directory for the Life and Ministry of Priests*, n. 53; *The Basic Plan for the Ongoing Formation of Priests*, 36; *Third Age*, n. 11.

¹⁷³ See *CIC*, c. 279 §§1 and 3; *The Basic Plan for the Ongoing Formation of Priests*, 36.

¹⁷⁴ See *CIC*, c. 279 §2; *The Basic Plan for the Ongoing Formation of Priests*, 36; *Third Age*, n. 11.

L. Substitution:

1. General Provisions:

Retired presbyters, who are able, are encouraged to offer their services to the active presbyters of the Diocese of Cheyenne in order to facilitate vacations, time away from the parish to attend or present workshops, conferences and symposiums, and coverage in times of illness or incapacity.¹⁷⁵ Consideration for the age, health and mobility of retired presbyters is requested of those who seek their services. Retired presbyters are not to be pressured into substituting. Normally, retired presbyters are not to be requested to substitute in a given parish for more than three (3) consecutive weekends or four (4) consecutive weeks. Some retired presbyters would like a person to meet them when they arrive, to show them around, and to assist with preparations for liturgies.

2. Compensation:

Retired presbyters are to receive the appropriate substitute priest compensation according to the service they render (see the appropriate section in the Appendix). They are to be provided either transportation or mileage to and from the assignment, local transportation or mileage, room and board, Mass and funeral stipends, and reimbursement for ministerial expenses based upon an accountable plan. Parishes without laundry and meal preparation services need to recognize that some retired presbyters need assistance with laundry and meals.

VIII. BENEFITS FOR PRESBYTERS WITHOUT ASSIGNMENTS:

A. Disabled Presbyters:

1. A presbyter will be considered disabled when he can no longer perform the responsibilities and duties of his office due to accident, or medical or psychological illness. The disability must be diagnosed by a proper medical or psychiatric professional and confirmed by the Bishop of Cheyenne. All disabilities will be evaluated annually.
2. Disabled presbyters are requested to resign their office, so that the pastoral care of the people they were serving in that office can be provided by another presbyter.¹⁷⁶ Presbyters who do not resign may be removed from their office because of their disability.¹⁷⁷

¹⁷⁵ *Third Age*, n. 4.

¹⁷⁶ See *CIC*, cc. 187-189; 538 §1; 682 §2; 715; 738 §§2 and 3; 1742.

¹⁷⁷ See *CIC*, cc. 192-193; 195; 477; 481 §2; 485; 538 §1; 552; 682 §2; 715; 738 §§2 and 3; 1422; 1740-1747.

3. A Disability Benefit for incardinated presbyters of the Diocese of Cheyenne is provided through membership in the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne once these presbyters have vested in the Society.¹⁷⁸ Disabled presbyters who are vested members of the St. Joseph's Society are to apply for and receive this benefit. The Diocese of Cheyenne will assume for disabled presbyters the payment of the annual employer contribution for retirement for members of the St. Joseph's Society.
4. Long-term disability insurance is provided for the incardinated presbyters of the Diocese of Cheyenne. Disabled presbyters are to apply for and receive this benefit.
5. Disabled presbyters are also to apply for Social Security disability benefits, and, if applicable, Medicare Insurance benefits.
6. The Diocese of Cheyenne will provide health insurance for the disabled presbyters with the type of coverage dependent upon whether the presbyters qualify for Medicare Insurance benefits. When the disabled presbyter does not qualify for Medicare Insurance benefits, he will be provided the regular health insurance; when he qualifies for Medicare Insurance benefits, he will be provided supplementary Medicare Insurance coverage. The percentages of the health insurance premium paid by the Diocese of Cheyenne and by the presbyter are the same as those for retired presbyters and are given in the appropriate section in the Appendix.
7. The Bishop of Cheyenne fulfills his obligation to provide for the support and care of disabled presbyters through the various disability benefits he receives.¹⁷⁹ The disabled presbyter is to use his disability benefits to provide for his care and sustenance, including room and board.
8. The norms above for Retired Presbyters concerning Room and Board, Automobiles, Stipends, Withholding and Social Security and Medicare Taxes, Prayer, Continuing Education and Moving are to be applied to disabled presbyters (see pages 39-44).
9. The Diocese of Cheyenne will assist disabled incardinated presbyters of the Diocese to meet their legitimate living expenses once they have applied for disability benefits from the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, the long-term disability insurance provided by the Diocese of Cheyenne, the Social Security Administration and all other government assistance and entitlement programs for which they may be eligible. The amount of Diocesan

¹⁷⁸ St. Joseph's Society, *Bylaws*, bylaw VI, D.

¹⁷⁹ See *CIC*, cc. 281 §2; 384; 1274 §1.

Assistance will be determined by the Bishop of Cheyenne. In determining the amount of assistance, he will consider the presbyter's disability benefits from the St. Joseph's Society: Clergy Retirement Fund of the Diocese of Cheyenne, the long-term disability insurance carrier for the Diocese of Cheyenne, Social Security and Medicare Insurance benefits, other disability benefits for which the disabled presbyter is eligible or receiving, government assistance and entitlement payments, personal assets and need.

B. Presbyters without Assignments, under Canonical Penalty or suffering from Impediments:

Presbyters without assignment, under canonical penalty or suffering from impediments, who are neither disabled nor retired and who do not have secular employment, will be provided Room and Board at a location determined by the Bishop of Cheyenne. The percentage of health insurance premium paid by the Diocese of Cheyenne and by the presbyter, and the amount of monthly salary paid by the Diocese of Cheyenne are given in the appropriate section in the Appendix.¹⁸⁰ Presbyters with secular employment are expected to support themselves by this employment. If the presbyter still has the faculty to celebrate the Holy Sacrifice of the Mass, even if only privately, he may accept Mass intentions and stipends according to the norms of canon law.

C. Authorized Leave of Absences:

For a serious reason, a presbyter may be granted a leave of absence from his ministry and the Diocese of Cheyenne by the Bishop of Cheyenne. A written agreement between the Bishop and the presbyter will specify the length of the leave, the support, if any, the presbyter will receive, which ministerial functions, if any, the presbyter may perform, and any other obligations the presbyter is to observe. Presbyters on such leave of absence who hold secular positions are expected to support themselves through their secular employment.¹⁸¹ When discussing the leave absence, the presbyter and the Bishop should agree what publicity will be given the leave of absence.¹⁸² If the presbyter will be residing outside the Diocese of Cheyenne, the bishop of the diocese in which the presbyter will reside is to be informed of the presbyter's presence and the terms of his leave of absence.¹⁸³

¹⁸⁰ See *CIC*, cc. 281 §§1 and 2; 384; 1274 §1; Congregation for the Clergy, private response, November 8, 2013; in *Roman Replies and CLSA Advisory Opinions 2014* (Washington, DC: Canon Law Society of America, 2014) 15 .

¹⁸¹ *Ibid.*

¹⁸² See *CIC*, c. 220.

¹⁸³ See *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, norm 12, in *Promise to Protect; Pledge to Heal*, 33; *Charter for the Protection of Children and Young People, Revised Edition*, art. 14, in *Promise to Protect; Pledge to Heal*, 15-16.

D. Unauthorized Leave of Absence:

A presbyter will be considered on an unauthorized leave of absence when:

1. he abandons an assignment given by the Bishop of Cheyenne;
2. he refuses to accept an assignment from the Bishop of Cheyenne;
3. he fails to fulfill the terms and conditions of an authorized leave of absence; and/or,
4. he is absent from the Diocese of Cheyenne without at least the presumed permission of the Bishop of Cheyenne.

An unauthorized leave of absence will result in an examination of this matter utilizing the appropriate procedures of canon law. This may result in the application of penal remedies or other sanctions, the revocation of faculties, the limitation or cessation of his right to remuneration, suspension, and/or, if the matter warrants, dismissal from the clerical state. To the extent that the good of the Church requires, the fact of the presbyter's unauthorized leave and any disciplinary actions against him will be made public, always respecting the right to a good reputation.¹⁸⁴

IX. SUPERVISION:

A. Presbyters of the Diocese of Cheyenne:

The Bishop of Cheyenne is to “attend to the presbyters with special concern,” and is to see that they “correctly fulfill their obligations proper to their state.”¹⁸⁵ He is to promote a common discipline and to be watchful so that no abuses arise.¹⁸⁶ He will conduct annual pastoral visitations so that every five years he has visited the entirety of the Diocese of Cheyenne either personally or through a duly authorized representative.¹⁸⁷ The Deans (Vicars Forane) assist the Bishop of Cheyenne in the supervision of the presbyters of the Diocese of Cheyenne through an annual parish visitation and through overseeing the presbyters' ministry and administration of parish records and resources.¹⁸⁸

B. Presbyters of Institutes of Consecrated Life, Societies of Apostolic Life or Other Dioceses:

The superiors or bishops of presbyters of institutes of consecrated life, societies of apostolic life, or other dioceses are responsible for the discipline of their

¹⁸⁴ See *CIC*, c. 220.

¹⁸⁵ *CIC*, c. 384.

¹⁸⁶ *CIC*, c. 392.

¹⁸⁷ See *CIC*, cc. 396 §1; 392 §§1 and 3; 397; 398; 521 §3; 524.

¹⁸⁸ See *CIC*, c. 555 §1, 2° and §2, 2°.

presbyters.¹⁸⁹ The Bishop of Cheyenne is to see to the supervision of any ministry which he has entrusted to them, or matters involving the care of souls, public worship and other works of the apostolate.¹⁹⁰

X. CONDUCT:

Presbyters of the Diocese of Cheyenne have an obligation of reverence and obedience to the Supreme Pontiff and to the Bishop of Cheyenne.¹⁹¹ They are to fulfill the duties of the pastoral ministry assigned to them faithfully and untiringly, to pursue a life of holiness, to pray the Liturgy of the Hours, to nourish their spiritual life through the Sacred Scriptures and the Holy Eucharist, to pray, to avail themselves regularly of the Sacraments, and to promote a bond of brotherhood, of prayer and of cooperation among all clerics.¹⁹² Where possible, presbyters are to live a community life.¹⁹³ They are to fulfill their promise of celibacy, prudent in their associations so as not to endanger their obligation or give rise to scandal.¹⁹⁴ They are to refrain from activity which cannot be reconciled with their obligations, which would hinder the fulfillment of their duties, or would be unbecoming of their priestly or celibate state.¹⁹⁵ Lastly, presbyters are to live a life of simplicity and charity, promoting peace and harmony based on justice.¹⁹⁶

Misconduct will be dealt with according to the appropriate norms in canon law.¹⁹⁷ Additionally, all of the reporting requirements of the State of Wyoming regarding offenses against State law will be followed.¹⁹⁸

¹⁸⁹ See *CIC*, cc. 271; 273; 283 §1; 598; 608; 618-622; 628 §1; 630 §5; 678 §§2 and 3; 682; 683 §1; 715; 717; 732; 734; 738 §1.

¹⁹⁰ See *CIC*, cc. 271 §3; 384; 628 §2; 678 §§1 and 3; 679-683; 687; 738 §2.

¹⁹¹ See *CIC*, c. 273.

¹⁹² See *CIC*, cc. 274-276.

¹⁹³ *CIC*, c. 280.

¹⁹⁴ *CIC*, c. 277.

¹⁹⁵ See *CIC*, cc. 278 §3; 285-286.

¹⁹⁶ See *CIC*, cc. 282; 287.

¹⁹⁷ See *CIC*, c. 221; *Book VI Sanctions in the Church*, cc. 1311-1399; *Penal Procedure*, cc. 1717-1731; see *Trials in General*, cc. 1400-1500; *Contentious Trial*, cc. 1501-1670; *Administrative Recourse*, cc. 1732-1739; John Paul II, motu proprio *Sacramentorum Sanctitatis Tutela*, April 30, 2001: AAS 93 (2001) 737-739; Benedict XVI, *Normae de delictis Congregationi pro Doctrina Fidei reservatis seu Normae de delictis contra fidem necnon de gravioribus delictis*, May 21, 2010: AAS 102 (2010) 419-434; *Diocese of Cheyenne Sexual Misconduct Policy; Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, in *Promise to Protect; Pledge to Heal*, 27-35; *Charter for the Protection of Children and Young People, Revised Edition*, in *Promise to Protect; Pledge to Heal*, 3-20.

¹⁹⁸ See *Diocese of Cheyenne Sexual Misconduct Policy*, n. III; *Diocese of Cheyenne Sexual Misconduct Policy; Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, norm 11, in *Promise to Protect; Pledge to Heal*, 33; *Charter for the Protection of Children and Young People, Revised Edition*, art. 4 and 5, in *Promise to Protect; Pledge to Heal*, 9 and 10.

XI. INTERVENTION:

A. General Provisions:

A presbyter who abuses or becomes addicted to alcohol, other substances, pornography, or other behaviors and becomes aware of his problem may voluntarily seek treatment. The Diocese of Cheyenne will assist the presbyter to obtain the treatment he needs. However, in some circumstances, the presbyter may deny or be unaware of his abuse or addiction. In these cases, the Bishop of Cheyenne, or his delegate, may need to intervene. A Health Panel may be appointed by the Bishop of Cheyenne to advise him in matters of alcohol and substance abuse, addiction, intervention and treatment.

B. The Health Panel:

A Health Panel of professionals experienced and competent in the field of alcohol and substance abuse and addiction may be established by the Bishop of Cheyenne, as needed, to assist him to determine the impairment of a presbyter, and to recommend proper care and treatment. They serve as advisors and consultants to the Bishop or his delegate. This Panel will also advise the Bishop, or his delegate, of his options regarding post-treatment therapy.

C. Membership of the Health Panel:

The Health Panel will consist of at least three (3) members but not more than five (5). The membership of the Health Panel shall include a physician and a counselor, psychologist or psychiatrist. These members are to be current, experienced and competent in matters of alcohol and substance abuse and addiction treatment. The Panel may include a presbyter, preferably one knowledgeable and experienced in methods of treating alcohol and substance abuse and addiction.

D. Identification:

Identification of addiction or abuse is not determined just by volume or frequency of consumption, but also by the effects of consumption on behavior and function. Any presbyter whose repeated and continued use of alcohol or other substances interferes with the efficient performance of his assigned duties, reduces his dependability, impairs his personal relationships, affects his health, or violates ecclesiastical or civil law will be considered in need of help. Because of prevailing social customs, alcohol and substance abuse or addiction can become occupational hazards and, therefore, personal vigilance and self-discipline are required with the consumption of alcohol and other legal substances.

E. Intervention to Bring About Treatment:

Alcohol and substance dependent people are seldom able to diagnosis themselves and request help. In almost all cases, constructive intervention is necessary to affect proper treatment and recovery. Early diagnosis and treatment is usually more effective.

When intervention is necessary, a treatment center will be chosen by the Bishop of Cheyenne, or his delegate, who may use the assistance of the Health Panel. Working in conjunction with their intervention team and if desired, the Health Panel, the Bishop of Cheyenne, or his delegate, will confront the individual to attempt to obtain his agreement to enter treatment. Intervention may include the presbyter's close personal friends, family and work associates. (Specific and pertinent background facts relative to the individual's behavior are necessary for a successful intervention.) Throughout this process, care will be taken to protect the reputation of the presbyter¹⁹⁹.

Should a presbyter not cooperate with the intervention or refuse treatment and help, the Bishop of Cheyenne may remove the presbyter from office and/or declare him impeded from the exercise of orders.²⁰⁰

F. Treatment:

In conjunction with the treatment center, the individual, and, if desired, the Health Panel, the Bishop of Cheyenne, or his delegate, will determine the treatment program. Whether inpatient or outpatient treatment is chosen, the treatment center will advise the Bishop of Cheyenne, or his delegate, on the progress of the presbyter in the recovery process. The Bishop, or his delegate, may consult the Health Panel to determine if the presbyter has sufficiently progressed in the recovery process.

G. Post-Treatment Therapy:

Following treatment, the presbyter must involve himself with a recognized support group such as Alcoholics Anonymous. In addition, he will follow the program outlined by the treatment center, and will meet regularly with a delegate of the Bishop of Cheyenne. The Health Panel may be involved in the monitoring of the presbyter. The Bishop of Cheyenne, or his delegate, may seek the advice of the Health Panel as to any follow up actions to be taken.

¹⁹⁹ See *CIC*, c. 220.

²⁰⁰ See *CIC*, cc. 1044 §2, 2°; 1041, 1°.

XII. INCAPACITY:

A presbyter will be considered incapacitated if, for medical, psychological or emotional reasons, he is no longer able to perform his functions as a presbyter. The Bishop of Cheyenne will determine whether a presbyter is incapacitated after consulting with the proper medical or psychiatric authorities. He will then take the appropriate actions. Although the Bishop of Cheyenne cannot compel the presbyter to undergo an examination, refusal to do so may still result in the Bishop declaring the presbyter impeded from the exercise of orders, after the Bishop has consulted the appropriate expert(s).²⁰¹

XIII. HIERARCHICAL RECOURSE:

In the event of an actionable dispute between a presbyter or group of presbyters and the Bishop of Cheyenne, the avoidance of any contention and the reaching of an equitable solution are desirable. Common counsel, possibly using mediation and the efforts of wise persons, may be used to avoid or settle the controversy in a suitable manner.²⁰² If the dispute cannot be resolved, then the matter shall be resolved by other ecclesiastical processes. If, after requesting the Bishop of Cheyenne to reconsider his position, and he does not change his position, the matter shall be referred to the proper ecclesiastical forum and settled according to the norms of ecclesiastical law.²⁰³ The presbyter or a group of presbyters has the right to the use of canonical counsel when taking hierarchical recourse.²⁰⁴ When a presbyter or group of presbyters appeals a decision of the Bishop of Cheyenne, during the process of recourse, the remuneration and benefits remain the same as those in place before the decision of the Bishop, except that the Bishop may stipulate where the presbyter is or the presbyters are to reside.²⁰⁵ The expenses of the presbyter or group of presbyters in challenging the decision of the Bishop of Cheyenne, e.g., the expenses of canonical counsel, are entirely their personal expense, unless the Bishop of Cheyenne decides otherwise in a particular case.

XIV. PENAL ACTIONS:

In the event that a presbyter is accused of committing a canonical delict, a preliminary penal investigation will be conducted according to the norms of canon law.²⁰⁶ If there is

²⁰¹ See Secretariat of State, instruction, August 6, 1976: in Gregory Ingels, “Protecting the Right to Privacy When Examining Issues Affecting the Life and Ministry of Clerics and Religious,” *Studia Canonica* 34 (2000) 444, footnote 10; Congregation for the Clergy, letter, October 8, 1999: in William H. Woestman, OMI, *The Sacrament of Order and the Clerical State*, 3rd ed. (Ottawa, Canada: Faculty of Canon Law, Saint Paul University, 2006) 431; Congregation for the Clergy, letter, July 12, 2012: *Roman Replies and CLSA Advisory Opinions* (2012) 11; *CIC*, cc. 1044 §2, 2°; 1041, 1°.

²⁰² See *CIC*, c. 1733.

²⁰³ See *CIC*, cc. 221; 1732-1739; *Pastor bonus*, art. 93; 95 §1; 121; 123 §1.

²⁰⁴ See *CIC*, c. 1738.

²⁰⁵ See *CIC*, cc. 222 §2; 1747 §1.

²⁰⁶ See *CIC*, cc. 1717-1719.

a violation of civil law, the civil authorities will be notified.²⁰⁷ When there is a criminal investigation by civil authorities, the canonical process will defer to the criminal investigation, but may proceed in a manner in which no way obstructs or hinders the efforts of civil authorities.²⁰⁸ Depending upon the matter and the gravity of the alleged offense, the penal process will be conducted in an administrative or judicial forum.²⁰⁹

Among the rights of the accused presbyter in a penal process are the following:

- To know the nature of the allegations;²¹⁰
- To be able to defend himself against the allegations;²¹¹
- To due process;²¹²
- Not to incriminate himself;²¹³
- To canonical counsel approved by the Bishop of Cheyenne; and if facing civil criminal charges, to civil counsel;²¹⁴
- To have the penal investigation conducted with discretion, protecting his good name;²¹⁵ and,
- To know the results of the preliminary penal investigation and the penal process.²¹⁶

Among the obligations of the accused presbyter in a penal process are:

- Not to interfere with the preliminary penal investigation and the penal process;
- Not to have contact with the complainant(s) during the preliminary penal investigation and the penal process; and,
- To observe any special provisions or restrictions imposed by the Bishop of Cheyenne or his delegate.²¹⁷

²⁰⁷ See *Diocese of Cheyenne Sexual Misconduct Policy*, n. III; *Diocese of Cheyenne Sexual Misconduct Policy; Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, norm 11, in *Promise to Protect; Pledge to Heal*, 33; *Charter for the Protection of Children and Young People, Revised Edition*, art. 4 and 5, in *Promise to Protect; Pledge to Heal*, 9 and 10.

²⁰⁸ See *Charter for the Protection of Children and Young People, Revised Edition*, art. 5, in *Promise to Protect; Pledge to Heal*, 10.

²⁰⁹ *CIC*, c. 1718.

²¹⁰ See *CIC*, cc. 1508; 1598; 1720, 1°; 1728 §1.

²¹¹ See *CIC*, cc. 221 §1; 1527; 1551; 1575; 1582; 1720, 1°.

²¹² See *CIC*, cc. 221; 1341-1353; 1400-1655; 1717-1731; *Gravioribus Delictis*, art. 8-31; *Diocese of Cheyenne Sexual Misconduct Policy*, nn. VII and VIII; *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, norms 6 8A and 9, in *Promise to Protect; Pledge to Heal*, 30-32; *Charter for the Protection of Children and Young People, Revised Edition*, art. 5, in *Promise to Protect; Pledge to Heal*, 9-11.

²¹³ *CIC*, c. 1728 §2.

²¹⁴ See *CIC*, cc. 1481; 1483; 1723; *Diocese of Cheyenne Sexual Misconduct Policy*, n. VII; *Diocese of Cheyenne Sexual Misconduct Policy; Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, norm 6, in *Promise to Protect; Pledge to Heal*, 30; *Charter for the Protection of Children and Young People, Revised Edition*, art. 5, in *Promise to Protect; Pledge to Heal*, 10.

²¹⁵ See *CIC*, cc. 220; 1717 §2.

²¹⁶ See *CIC*, cc. 221 §1; 1527; 1551; 1575; 1582; 1614-1615; 1720, 1°.

²¹⁷ See *CIC*, c. 1722.

It is the particular law of the Diocese of Cheyenne that during the penal process, the accused presbyter will retain the remuneration and benefits he had prior to the accusation, except the Bishop of Cheyenne may exclude the presbyter from the exercise of sacred ministry and from some office and ecclesiastical functions, may impose or forbid residence in some place or territory, or even prohibit the accused presbyter from public participation in the Most Holy Eucharist.²¹⁸ The Diocese of Cheyenne, at the discretion of the Bishop of Cheyenne, may assist the accused presbyter with the reasonable expenses of his canonical counsel and his canonical defense.²¹⁹ Assistance with the expenses of any civil criminal process is dependent upon the stipulations of the insurance coverage of the Diocese of Cheyenne and whether the presbyter has admitted to or been convicted of the violation of the civil law.

XV. MISCELLANEOUS:

A. Rectories and Parish Offices:

All Pastors, Parochial Administrators and Parochial Vicars (Associate Pastors) are required to live in the parish rectories of the parishes to which they are assigned, unless they have the written permission of the local ordinary to live elsewhere.²²⁰

Rectories are to be near the parish church, and preferably are to be adjacent to the parish church or on the same city block as the church.²²¹ When building new rectories and whenever possible when remodeling old ones, rectories are to be exclusively the residences of the priests assigned to the parish. Parish offices are to be put in a separate building, or at least separated from the residences by a lockable door. Single priest rectories are to have two to three bedrooms. Multiple priest rectories are to have a private bedroom, a private sitting room and a private bathroom for each presbyter assigned to the parish and at least one (1) guest room. All rectories are to have a living room, a formal dining room and a private bathroom for each presbyter assigned to the parish. By the main entry, a small reception room is to be provided for counseling those who arrive at the rectory door in order to keep the residential space private. Lastly, when a rectory is built or remodeled, the new or remodeled rectory is to be able to accommodate elderly or handicapped priests.

With the permission of the local ordinary, a private chapel for personal prayer and private celebrations of the Holy Sacrifice of the Mass may be erected in the rectory.²²² Such chapels must be a separate and distinct room, reserved exclusively for divine worship and free from all domestic use. With the additional permission of the local ordinary, the Blessed Sacrament may be

²¹⁸ Ibid.

²¹⁹ See *CIC*, c. 1490.

²²⁰ See *CIC*, cc. 280; 533 §1: 550 §1.

²²¹ See *CIC*, c. 533 §1.

²²² See *CIC*, cc. 1226; 1228.

reserved in this chapel.²²³ Norms for the proper reservation of the Most Holy Eucharist are to be observed.²²⁴

B. Overnight Rectory Guests and Residents in the Rectory:

Without the permission of the local ordinary, no one under eighteen (18) years of age is to stay in a rectory unless accompanied by at least one of his or her parents or legal guardians.

No one other than the presbyters assigned to a parish or who have residence in the parish or retired presbyters may reside in a rectory without the permission of the local ordinary.²²⁵

C. Pets in Rectories:

With the exception of fish, only Pastors are allowed household pets, unless specific permission has been obtained from the Bishop of Cheyenne. This restriction is to allow for the easier transfer of Parochial Vicars (Associate Pastors). Household pets are to be limited to a maximum of two (2). When more than one (1) presbyter lives in a rectory, all must agree before a new pet is brought into the residence. When a household pet is present in a rectory, the presence of the pet must be disclosed to any presbyter who is being considered for assignment to the parish as a Pastor, a Parochial Administrator, a Parochial Vicar (Associate Pastor) or a Priest-in-residence, in case the presbyter has allergies or an aversion to pets. All expenses of the pet, including food, medicine, veterinarian, kenneling, and modifications to the rectory to accommodate the pet, are the sole responsibility of the presbyter who owns the pet.

The presbyter is also personally responsible for any wear or damage caused by household pets. Such expense may include repairs and/or replacement of rectory furniture, walls, doors, cabinets, flooring, landscaping, etc. The basis of determining wear and damage is the annual Dean's Report in which the condition of the rectory and its furnishings are noted.

D. Tobacco Use:

Presbyters are discouraged from using tobacco products. Those who use them are strongly encouraged to discontinue their use. All tobacco products are solely the personal expense of the presbyter.

²²³ See *CIC*, c. 934 §1, 2°.

²²⁴ See *CIC*, cc. 934-944; see also *General Instruction of the Roman Missal*, nn. 314-317; *Holy Communion and Worship of the Eucharist outside of the Mass* (New York, NY: Catholic Book Publishing, Co., 1976) nn. 9-11.

²²⁵ *Statutes of the Diocese of Cheyenne, Second Synod*, n. 5.

Smoking is prohibited in all parish facilities, including churches, halls, classrooms, offices, and rectories. If a presbyter chooses to smoke, he must do so outside.

E. Health:

All presbyters are strongly urged to exercise regularly and to eat a balanced diet. They are strongly encouraged to have an annual physical examination and regular dental and eye examinations. Presbyters who continue in office after they have reached their 75th birthdays may be evaluated annually by a healthcare professional to ensure that they have the proper physical and mental ability to fulfill their duties (see Age of Retirement, page 37). Sick and retired presbyters may be evaluated annually by a healthcare professional to ensure they have proper physical and mental ability to continue in their current ministerial assignment or in their current living arrangement and to assist them, their durable power of attorneys for healthcare and the Bishop of Cheyenne in determining whether the sick or retired presbyter's healthcare needs are being met (see Health Evaluations, pages 27 and 42).

F. Clerical Dress and Vestments:

All presbyters are to dress in conformity with their sacred calling and as a witness to the presbyters' dedication and identity as a minister of God and the Church, and as a dispenser of the Divine mysteries. Unless otherwise restricted by the Bishop of Cheyenne, presbyters will observe the following dress:

- In liturgical rites, presbyters are to wear the vesture prescribed in the proper liturgical books.²²⁶ Presbyters serving as Master of Ceremonies are to wear the appropriate cassock and surplice.²²⁷
- Outside of liturgical functions, a black suit and Roman collar (a black clerical shirt with white tab or black rabat²²⁸) are the usual attire for presbyters. The use of the cassock is at the discretion of the presbyter. In the case of presbyters of institutes of consecrated life and societies of apostolic life, the determinations of the proper law of their institutes or

²²⁶ See *CIC*, cc. 284; 669; 739; National Conference of Catholic Bishops, complementary legislation *Canon 284 – Clerical Garb*, November 1, 1999 (<http://www.usccb.org/beliefs-and-teachings/what-we-believe/canon-law/complementary-norms/canon-284-clerical-garb.cfm>); *General Instruction of the Roman Missal*, nn. 119a; 205; 209; 335-337; 340-347; *Rite of Penance*, n. 14; *Rite of Holy Communion and Worship of the Eucharist Outside of Mass*, nn. 20 and 92; *Order for Celebrating Marriage*, nn. 45; 48; 80; 83; *Order of Christian Funerals*, nn. 66 and 215; *Ceremonial of Bishops* (Collegeville, MN: The Liturgical Press, 1989) nn. 65-66; 209; 1206-1209; *Redemptionis Sacramentum*, nn. 113; 121-124; 126-128.

²²⁷ *Ceremonial of Bishops*, n. 36.

²²⁸ A rabat is a clerical shirtfront, vest front or vest.

societies are to be observed with regard to the wearing of the religious habit.²²⁹

G. Simple Lifestyles:

All presbyters are reminded to live lives of simplicity, avoiding any semblance of vanity.²³⁰ Once they have provided for their own decent support and for the fulfillment of their duties, they should use any extra income for the good of the Church and for works of charity.²³¹

H. Inventory of Personal Property:

All presbyters are to have an inventory of their personal property in case of fire, natural disaster, theft or death.

I. Last Will and Testament:

Every presbyter incardinated in the Diocese of Cheyenne is to compose a Last Will and Testament. A sealed duplicate copy and sealed copy of any changes may be sent to the Chancellor of the Diocese of Cheyenne.²³² It is recommended that a presbyter be appointed Executor of the Estate. The Will should be periodically updated.

J. Durable Powers of Attorney for Healthcare and Finances:

Every presbyter is to have a Durable Power of Attorney for Healthcare, drafted according to Catholic moral principles, which describes his desires for treatment in the event of his incapacity and which designates a person or group of persons to make healthcare decisions for the presbyters. Every presbyter is also to have a Durable Power of Attorney for Finances, which in the event of his incapacity designates a person or group of persons to make financial decisions for the presbyter.

K. Funeral Instructions:

Presbyters are to provide the Chancellor of the Diocese of Cheyenne a letter, separate from their Last Will and Testament, outlining the presbyter's desires concerning funeral and burial arrangements and naming all the persons to be contacted in the event of his death. In addition to designating the Scripture

²²⁹ See *CIC*, cc. 284; 669; 739; National Conference of Catholic Bishops, complementary legislation *Canon 284 – Clerical Garb*, November 1, 1999 (<http://www.usccb.org/beliefs-and-teachings/what-we-believe/canon-law/complementary-norms/canon-284-clerical-garb.cfm>).

²³⁰ *CIC*, c. 282 §1.

²³¹ *CIC*, c. 282 §2.

²³² *Statutes of the Diocese of Cheyenne, Second Synod*, n. 24.

readings, music and other aspects of liturgy, this letter is to specify the presbyters who are to preach at the Vigil Service and Funeral Mass.

Information and style for the obituary for the deceased presbyter is to be obtained from the Chancellor of the Diocese of Cheyenne or the person in charge of communications for the Diocese of Cheyenne.

L. Funeral Rites for Deceased Presbyters:

The clear preference of the Church is for the body of the deceased to be present for the funeral rites.²³³ Presbyters, therefore, are discouraged from choosing cremation, and if cremation is desired, for cremation to take place after the Funeral Mass.²³⁴ The deceased presbyter is to be vested in clerics (i.e., black pants and Roman collar – a black clerical shirt with white tab or black rabat,²³⁵ and black shoes –, an alb, a stole and a chasuble.

The Bishop of Cheyenne will normally be principle celebrant at the Funeral Liturgies of deceased presbyters.²³⁶ The Vigil Service and Funeral Mass are to be celebrated in the parish church.²³⁷ The Vigil Service is normally to be celebrated at Evening Prayer.²³⁸ For the Vigil Service, presiding clergy are to wear the appropriate liturgical vestments²³⁹ and clergy in attendance are to wear a black suit and Roman collar (a black clerical shirt with white tab or a black rabat²⁴⁰), unless otherwise restricted from doing so. Reserved seating for attending clergy is to be provided. A presbyter designated in the deceased presbyter's burial instruction letter is to be the homilist at Evening Prayer; otherwise, the Bishop of Cheyenne or a presbyter designated by him will be the homilist. Where possible, an all night vigil with the body in the church following Evening Prayer is preferred. Either the same or another presbyter designated in the deceased presbyter's burial instruction letter is to be the homilist for the Funeral Mass; otherwise the Bishop of Cheyenne or a presbyter designated by him will be the homilist. The practice of and expectation in the Diocese of Cheyenne is that all presbyters of the Diocese of Cheyenne are to concelebrate at the Funeral Mass of a brother presbyter, unless otherwise restricted from doing so. Non-concelebrating presbyters are to wear a black suit and Roman collar (a black clerical shirt with white tab or black rabat²⁴¹), unless otherwise restricted from

²³³ *Order of Christian Funerals*, n. 413.

²³⁴ *Order of Christian Funerals*, n. 418.

²³⁵ A rabat is a clerical shirtfront, vest front or vest.

²³⁶ *Ceremonial of Bishops*, n. 821.

²³⁷ See *CIC*, c. 1177 §1; *Order of Christian Funerals*, nn. 55; 154; 369.

²³⁸ See *Order of Christian Funerals*, nn. 54; 82-86; 348-349; 351-372; 386-395.

²³⁹ See *CIC*, c. 284; National Conference of Catholic Bishops, complementary legislation *Canon 284 – Clerical Garb*, November 1, 1999 (<http://www.usccb.org/beliefs-and-teachings/what-we-believe/canon-law/complementary-norms/canon-284-clerical-garb.cfm>); *Order of Christian Funerals*, n. 66.

²⁴⁰ A rabat is a clerical shirtfront, vest front or vest.

²⁴¹ *Ibid.*

doing so. The Rite of Committal follows at the cemetery, with the Bishop of Cheyenne presiding and assisted by the appropriate ministers.

Unless in a particular case other arrangements have been made, the expenses associated with a presbyter's Funeral Rites and burial are the obligation of the presbyter's estate. Presbyters who are members of the St. Joseph's Society receive a death benefit to assist with these expenses. In the event that the death benefit of the St. Joseph's Society and the presbyter's estate are inadequate, at the discretion of the Bishop of Cheyenne, the Diocese of Cheyenne may assist with funeral and burial expenses.

M. Masses for Deceased Presbyters, Deceased Bishops and Deceased Members of a Presbyter's Family:

When a presbyter or bishop of the Diocese of Cheyenne dies, all presbyters of the Diocese of Cheyenne are asked to offer three (3) Masses for him.²⁴² When an immediate family member of a brother presbyter or bishop of the Diocese of Cheyenne dies, all presbyters of the Diocese are invited to offer a Mass for this person. Immediate family is considered to be parents, grandparents, siblings and spouses of siblings.

N. Employment of Presbyters Dispensed from Obligations of the Clerical State:

A presbyter dispensed from the obligations of the clerical state may be limitedly employed within the Diocese of Cheyenne with the consent of the Bishop of Cheyenne.²⁴³ Consideration will be given to the dispensed presbyter's positive qualifications and the possible adverse effects of his employment. He will be employed as a lay employee and will receive the same salary and benefits of a lay employee.

²⁴² *Statutes of the Diocese of Cheyenne, Second Synod*, n. 25.

²⁴³ A presbyter dispensed from the obligations of the clerical state is prohibited from exercising the power of orders (*CIC*, c. 292), except for hearing the confessions of those in danger of death (see *CIC*, cc. 976; 986 §2). A dispensed presbyter, therefore, cannot be employed in any position that would have him functioning as a priest. He cannot give a homily or minister as a lector, an acolyte or an extraordinary minister of Holy Communion. He cannot exercise any pastoral office with authority, for example, he cannot be a Finance Officer, Pastoral Council Member, Finance Council Member, Parish Life Collaborator, Pastoral Associate, Director of Music, Director of Youth Ministry, or Director of Religious Education. A dispensed presbyter cannot hold any position at a seminary or equivalent institution. At Catholic universities, colleges and schools, he cannot teach or have a directive office. He cannot teach theology or religion at other educational institutions. (See Congregation for Divine Worship and Discipline of the Sacraments, "Laicization Rescript," in *Roman Replies and CLSA Advisory Opinions* (2001) 14-22; *Redemptionis Sacramentum*, n. 168.) The diocesan bishop can dispense from the prohibition of teaching or directing in a Catholic school, teaching religion in other schools, and ministering as a lector, acolyte or extraordinary minister of Holy Communion ("Revised Laicization Rescript," nn. 5 e and f, and 6, in *Roman Replies and CLSA Advisory Opinions* (2001) 17 and 21).