

Employment Guidance for PC(USA) Sessions and Session Personnel Committees

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Introduction

Almost all congregations have some kind of “employment” relationship with someone. Larger congregations may have multiple full- and part-time ordained and non-ordained staff while smaller congregations may only have part-time paid custodial staff and a series of pulpit supplies, but there are always aspects of employment that need to be managed in order to ensure that the congregation is in compliance with both Presbyterian polity and applicable law.

In considering Presbyterian polity and how it intersects with the relationship between congregations and staff, this document recognizes that installed pastors are in a different relationship because of the three-way covenantal relationship among pastor, congregation, and presbytery and because pastors remain members of presbytery, through whom they are ultimately accountable to the Presbyterian Church (U.S.A.). This document notes wherever this difference necessitates shifts in employment practice with pastors (e.g., the Hiring Process; see p. 15).

This document is intended for congregations of all types and sizes. In some congregations the session may choose to manage employment-related work itself, while in other cases it may delegate some or most of this work to a personnel committee and/or a head of staff. Regardless of structure, congregations need to be clear about who is responsible for which tasks in order to avoid duplication, triangulation, and conflict.

Throughout the document, call-out boxes appear to highlight areas where attention to equity practices will expand access and inclusiveness. Foundational to being Presbyterian is a commitment to unity in diversity, a deep commitment to openness, and a theological understanding of justice that makes meaning of our choices in all things, including employment.

While all effort has been made to address congregational employment issues, updates to this document will likely be necessary in the future.

Principles Guiding Development of Personnel Processes and Policies

Theological Statement

This document is intended for use in the church, not in a business, so it is important that it is grounded in the beliefs of the Christian community and the PC(USA). Our model in employment relationships and policies arises from Jesus's practices of inclusion, appreciation of each and every person's unique talents and varied gifts, and call to accountability before God and one another to God's mission of justice for the world. Fortunately, the PC(USA) is guided by the *Book of Order*, the foundational governing document that informs who we are and should be as Presbyterians and is an essential resource for sessions and personnel committees.

The PC(USA) and its predecessor denominations in the last generation have at various times issued position statements on employer/employee relationships, with particular emphasis on the issues of diversity, equity, inclusion, and cultural proficiency. See "Privilege, Power and Policy: The Church as Employer," from the 220th General Assembly (2012) [<https://www.pc-biz.org/#/search/3951>] as well as "compensation" understood more broadly than simply "salary." See, for example, "Neither Poverty Nor Riches: Compensation, Equity, and the Unity of the Church," from the 219th General Assembly (2010) [<https://www.pc-biz.org/#/search/3243>], as well as earlier statements referenced in it.

These statements note there is a wide range of opinions on these matters across the church but the body often returns to this confessional statement as an agreed upon foundation:

It is agreed among us that the fundamental purpose of human life is "to glorify God and enjoy [God] forever." [Westminster Shorter Catechism, 7.001] ... A theology of compensation [and, we might add, employer/employee relationships more generally] is necessarily rooted in this theological consensus. And no reflection in the Church's system of economics can be considered other than on this basis. ... [The church's employment practice] is rooted in our common call to glorify God, i.e., to make God more visible and more central in the processes of human community. ("A Theology of Compensation—A Study Paper," 195th General Assembly (1983), II. 89–90, 99–100, and 105–106)

Or, to phrase it differently, the way the church relates to its employees is fundamentally a question of justice and a facet of the "great ends of the Church" through its "promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world" (F-1.0304).

As mid councils and sessions develop their compensation and personnel policies more generally, they should hold the value that our theological commitments are primary even as they seek to comply with the requirements of civil law.

Foundations of Employment Relationships

Underlying Assumptions

- 1) Congregations need healthy, thriving staff in order to be healthy and thriving themselves. And staff, in order to be healthy and thriving, need:
 - a) Equitable and fair compensation (and benefits when appropriate)
 - b) Clear, honest, and up-to-date descriptions of their work
 - c) Fair, regular, and consistent evaluation
 - d) Employment policies that define the congregation's expectations and obligations
 - e) Support for professional growth
 - f) Recognition of achievements
- 2) Congregations can make better decisions about budgets and staffing needs if they have a mission statement, vision, or set of goals to which they have agreed that God is calling them. Ideally, it will be specific about their gifts and skills and the way in which these currently intersect with the needs of their community.
- 3) Everyone, including pastors, needs a clear and specific job description that helps them understand how they're expected to spend their time and what they're expected to accomplish. It is not fair for someone to be given a poor performance evaluation if the congregation hasn't been clear about what it expects, nor is it fair, especially in the context of part-time agreements with pastors and other employees, to include responsibilities in the job description that exceed what can be accomplished within the position's prescribed total hours.
- 4) Job descriptions change over time. If, for example, a pastor's initial job description prioritizes pastoral care of older members, but more families with young children start to attend, the pastor's job responsibilities may need to change.

CONSIDER

There are cultural components to a healthy and thriving staff. Checking in with persons to test whether the concerns raised or addressed contribute to a healthy thriving environment for work and life is important. Some will not be able to speak directly to the concern, so allow for multiple means of communication and approach matters with sensitivity and openness. (Consider the foundational principles of openness found in F-1.04 as a good rule.)

5) Annual evaluations are unpopular but necessary. They give both staff and the congregation the opportunity to affirm positive performance, correct problems, and recalibrate job expectations.

6) Groups of people such as sessions or personnel committees can have a hard time speaking with one voice about issues of hiring, firing, and evaluation. Members often discover they have relationships, commitments, and interests that conflict with those of others in the group. As a result, systems can become easily triangulated and groups may end up fighting internally or making decisions based on relationships rather than performance. Training in how to carry out these tasks in a fair and equitable way may need to be provided.

CONSIDER

Evaluations also embody values and create the atmosphere for the work. Consider how information is received and by whom, what aspects of the assessment get more time and attention, and which intercultural values and aspects should be used to evaluate leader successes. When issues or concerns are raised that impact relationships, ensure the procedures and practices are equitable and accessible to all parties.

Differing Roles

Every Presbyterian congregation has individuals and groups who participate in employment decisions to make sure they are done well—i.e., aligned with Presbyterian polity, in compliance with applicable law, and able to be understood and respected by the congregation. These individuals and groups can include the Presbytery, the congregation, the session, a personnel committee, a senior or solo pastor who functions as a head of staff, or, in large congregations, an executive pastor who functions as head of staff. The challenge for any congregation is that while overall responsibility for good outcomes is shared, each group or individual needs to play a separate and distinct role in order to avoid conflict and confusion.

Mission

The most important element in any employment decision is the congregation's mission—*its shared understanding of what God is calling it to do at this time and in this place*. The mission should help the congregation determine staffing needs, create job descriptions, set budget priorities, and influence policy regarding such things as compensation and benefits. All individuals and groups involved in a congregation's employment decisions are responsible, first and foremost, to the congregation's mission.

The Presbytery

The Presbytery is an active participant in all calls and installations for installed pastors (G-2.0504a; G-2.08) and provides approval and oversight in the creation of temporary pastoral relationships (G-2.0504b). The presbytery is the entity that dissolves an installed pastoral relationship after consultation with the pastor and the congregation through a called congregational meeting (G-2.09). It also sets minimum standards for pastoral compensation (G-2.0804), provides for the transfer of pastors from other denominations (G-2.0505), and oversees the process when pastors wish to be released from or no longer be engaged in pastoral ministry or when they wish to renounce jurisdiction (G-2.0507–09). It prepares candidates for ministry (G-2.06), trains and commissions ruling elders to pastoral service (G-2.10), and provides for certified church service (G-2.11). In addition, some presbyteries provide training for personnel committees and pastors, provide examples of appropriate personnel policies, perform exit interviews, and recommend supervision and evaluation practices. Presbytery staff are always available to interpret *Book of Order* provisions related to employment and can make referrals to the appropriate denominational resources or staff when a congregation has a particularly challenging employment issue.

The Congregation

A Presbyterian congregation is “the basic form of the church” and is the vehicle through which “God’s people carry out the ministries of proclamation, sharing the Sacraments, and living in covenant life with God and each other” (G-1.0101). The members of a Presbyterian congregation put themselves voluntarily under the leadership of the session, which is responsible for guiding and governing the life of the congregation (G-1.0103). However, they do retain some fundamental employment decisions, *all with the counsel and approval of presbytery*—calling an installed pastor, approving terms of call, installing a pastor, modifying terms of call as proposed by the session, and consenting or not consenting to a presbytery dissolving a pastoral relationship.¹

The Session

The session is a council of the Presbyterian Church (U.S.A.) and is the primary decision-making body in a Presbyterian congregation. As such, it “has the power to establish plans and rules for worship, mission, government, and discipline of the church and to do those things necessary to the peace, purity, unity, and progress of the church” as well as having “responsibility for the leadership, guidance, and government” of that portion of the church under its jurisdiction (G-3.0102). The session’s duties are organized under the *Book of Order* according to the notes of the Reformed

¹ Note that *temporary* pastoral relationships, as opposed to called and installed relationships, are approved by a vote of the session with the approval of the presbytery, not by a congregational vote.

Church in our own time with the responsibility and power to 1) provide that the Word of God may be truly preached and heard, 2) provide that the Sacraments may be rightly administered and received, and 3) nurture the covenant community of disciples of Christ (G-3.0201a, b, c). Councils of the church at each level (session, presbytery, synod, and General Assembly) are **required** to develop and implement a manual of administrative operations and a sexual misconduct policy and a child and youth protection policy (G-3.0106). The *Book of Order* includes as a specific session responsibility “employing the administrative staff of the congregation” (G-3.0201c), which includes both hiring and termination. Councils, including the session, may delegate aspects of their work to such entities as they deem appropriate, provided those entities remain accountable to the council.

The session is responsible for the hiring of a temporary pastor (G-2.0504b). The presbytery is responsible for the terms of service of that temporary pastor including the specified length of service not to exceed 12 months. The presbytery is also responsible for approving any renewal of the service of a temporary pastor. It is implied that the presbytery receives a recommendation as to the renewal of service from the session, which is responsible for the hiring of service of a temporary pastor.

In addition to the above-mentioned requirements, all sessions should also consider the following to be employment-related responsibilities:

- 1) Ensuring that the congregation has a shared mission that can be used to determine staff needs and create job descriptions
- 2) Adopting personnel policies that are aligned with Presbyterian polity and comply with applicable law
- 3) Evaluating the pastor and church staff annually
- 4) Nourishing an environment in which the congregation, the session, the pastor, and the staff work with each other in a fellowship of trust and love (G-1.0102)

The Personnel Committee

Many sessions, especially in larger congregations, choose to delegate some or most of their employment responsibilities to a personnel committee. When doing so, the Session should make clear in a committee job description which tasks it is delegating and the ways in which the personnel committee will continue to be accountable to the session for its work. Functions of a personnel committee may include:

- 1) Researching and proposing personnel and compensation policy language to the session, which is then responsible for adopting the language
- 2) Ensuring the accountability of the staff to the congregation’s mission through the provision of performance management policies and processes

- 3) Overseeing the staff's compliance with congregational policies and applicable employment and tax laws
- 4) Assisting the session in its annual evaluation of the pastor and church staff
- 5) Serving as a witness during disciplinary employment conversations

As a committee of the session, a personnel committee could include at least one session member. It should be relatively small (e.g., 3–5 members) and could include, if possible, people with training in human resources or employment law. Committee members could also be chosen for their ability to be neutral and objective (see box for a wider view). In terms of composition, this committee, like others in Presbyterian congregations, should “give full expression to the rich diversity of the church’s membership” and “provide for full participation and access to representation in decision-

CONSIDER

“Neutral” and “objective” have been used as weapons/ideas in White cultural norms. A goal is to have members culturally aware and able to name and notice their own biases, see other perspectives, and have the ability to move and think outside of their own cultural perspective. This wider view allows members to consider where and how their values and ideas are narrowing the discussion or considerations, and how this may not fit others in the group. The mission of the congregation must be the established criteria for evaluation and not the views of individuals.

making” (G-3.0103). Typically, personnel committees have the same term limits as other committees in the congregation even though they are a subcommittee of the session. Training for personnel committees is vital—they should have a comprehensive knowledge of their congregation’s employment policies and practices. Personnel committees could also be trained to deal with early stages of conflict, as well as to effectively and appropriately engage in evaluation conversations, so that all staff serving in the church will flourish in their ministry and work. The ability to engage in both effective and appropriate evaluation conversations and conflict transformation can be strengthened by growing intercultural competence, healthy boundaries, and good communication.

Consultant

Federal law governs much of any congregation’s employment and tax obligations, but it is important to note that state and local laws differ on some employment issues. As a result, presbyteries, sessions, and session personnel committees may want to work with local attorneys familiar with federal constitutional law about the First Amendment as well as state employment to review their personnel policies and practices on an annual or biennial basis.

Confidentiality

Sessions and session personnel committees sometimes find themselves in the difficult position of knowing things that are confidential and not appropriate to be shared publicly. In order to avoid the appearance that they are “keeping secrets,” a situation that inevitably leads to congregational fear,

anxiety, and gossip, members of these bodies should have a reputation for integrity and should work hard to create an environment of trust and transparency. Once this environment exists, the congregation will be better prepared to have confidence that the session or personnel committee is not “keeping secrets” but is instead acting in the best interests of the congregation when problems arise.

These bodies sometimes find themselves being asked why someone was terminated. Divulging such information runs the risk of a suit for defamation, invasion of privacy, or even breach of a duty of confidentiality if information is communicated that was shared with a pastor in confidence. One option in such cases is to obtain the employee’s consent in writing to an agreed statement that will be communicated to members. If a committee feels that something must be shared, the courts have provided some degree of protection if communication is limited to actual members who have a common interest in knowing. If, however, information is communicated in the course of a worship service or meeting at which non-members are present, this protection may well be lost. It is generally best to make no public statements at all and to say very little in private as well. It is always helpful to consult the presbytery and an attorney in these situations.

Record Retention

Many kinds of personnel records are required by federal law to be kept for a period of years. Recommendations regarding retention of all kinds of records is available at on the Presbyterian Historical Society (PHS) website at <https://www.history.pcusa.org/services/records-management/records-congregations>. The website provides good information about setting up an employee file and segregating certain records into separate files—e.g., keeping the I-9 and medical records in separate locked files from the personnel file. Because record retention laws vary by state, congregations are encouraged to use the retention schedule on the PHS website and also research laws in their specific state to comply with local retention time frames. No matter what a congregation uses, consistency and documentation of retention schedules and policies is vital.

Hiring Staff

“Mission determines the forms and structures needed for the church to do its work. Administration is the process by which a council implements its decisions. Administration enables the church to give effective witness in the world to God’s new creation in Jesus Christ and strengthens the church’s witness to the mission of the triune God.” (G-3.0106)

Each congregation is called by God to mission and ministry that is specific to its time and place. This means mission always comes before organizational structures, positions, and job descriptions. This also means that the administrative work of hiring and overseeing staff, both in form and structure, should support the effective witness of a congregation to the mission of our triune God. All staff of a congregation, not just pastoral or program staff, should support God’s call for the congregation to mission and ministry in their own community and among their neighbors in response to both ongoing and emerging needs in the congregation’s context.

This section features guidelines for how to discern and create an administrative process for hiring and overseeing staff in alignment with the congregation’s mission and values.

Job Descriptions

Job descriptions define and give structure to the positions that the congregation believes will help it fulfill its call to God’s mission. As such, each staff member, including the pastor(s), should have a job description approved by the session.

Because God’s call changes over time, congregations should regularly consider whether they have the right positions for their mission and whether each position is described clearly enough that success can be measured. While congregations often go through a mission study or an equivalent before calling a pastor, this process is usually not undertaken for the hiring of other staff. At a minimum, each time new staff is hired or called, a congregation or its session ought to discern how the staff in this position will enhance the ability of the congregation to effectively participate in and be witnesses to God’s mission in the community. As appropriate, adjustments can then be made to the position and the description.

In addition to their role in helping the congregation achieve its mission, job descriptions also provide:

- Assistance in hiring the right person
- A basis for performance evaluation
- Continuity in the role when someone leaves or is hired
- Meaningful boundaries between roles

- Clear guidelines during hiring and termination processes which, if followed, may provide defense for legal challenges

A job description includes at least three core components that describe the nature of the work—the essential functions, the core competencies, and the goals.²

The **essential functions** are the central tasks that must be completed by the employee in the execution of the job. They describe *what* the employee is expected to do. Examples include, “plan and organize all children’s education programs for the congregation,” “schedule all uses of the sanctuary,” or “direct the choir each Sunday.”

The **core competencies** are the character attributes and abilities of the person—the *how* of the job. Examples of core competencies might include attention to detail, initiative, integrity, compassion, creativity, mission ownership, team orientation, or maturity. An employee can be excellent at an essential function, e.g., data entry, but if one of the position’s core competencies is the ability to work with others and the employee cannot get along with other staff or congregation members, then the employee is not doing the whole job and needs to improve. By including core competencies in the job description in addition to the essential functions, supervisors have a way to evaluate more than just accomplishment of tasks.

CONSIDER

Recognize that competencies bear considerable cultural weight and be sensitive to the extra labor you are asking of persons who work across significant cultural differences. Consider how you can include cultural competence in the central attributes needed for all employees.

The goals are areas that will be a specific focus for the coming year. These will usually relate to the accomplishment of the congregation’s mission. Goals are most helpful to employer and employee when described in SMARTIE terms—**S**pecific, **M**easurable, **A**chievable, **R**elevant, **T**ime-Specific, **I**nclusive, **E**quitable.³ Annual goals should *not* be used to encourage mastery in existing essential functions or core competencies—congregations should expect that employees will already be proficient in these aspects of their work.

Job descriptions should also be clear about the following:

- Whether an employee is full-time or part-time⁴

² For an excellent explanation of job descriptions and the entire performance management process, see Beaumont, Susan, *When Moses Meets Aaron: Staffing and Supervision in Large Congregations* (Rowan and Littlefield, 2007), 57–70.

³ While there are different versions of some of the words used to create the SMARTIE acronym, the point is the same—to create specific, measurable, equitable goals. For more information about moving from SMART goals to SMARTIE goals, see <https://www.managementcenter.org/resources/smart-to-smartie-embed-inclusion-equity-goals/>.

⁴ If part-time, it is helpful to both the employee and members to indicate the number of hours per week or per month they are routinely expected to work.

- Whether an employee is exempt or nonexempt⁵
- Who supervises the position
- Qualifications (e.g., credentials or minimum previous experience)⁶
- Physical requirements⁷

Job descriptions should, as much as possible, offer clear guidance about priorities and roles, be free of biases and social and cultural limitations, and be as specific as possible without micromanaging.

For example, in many congregations, the pastor’s job description either comes from or is a paraphrase of the language in the *Book of Order*:

“They are to be responsible for studying, teaching, and preaching the Word, for celebrating Baptism and the Lord’s Supper, and for praying with and for the congregation ... they are to encourage people in the worship and service of God; to equip and enable them for their tasks within the church and their mission in the world; to exercise pastoral care, devoting special attention to the poor, the sick, the troubled, and the dying; to participate in governing responsibilities, including leadership of the congregation in implementing the principles of participation and inclusiveness in the decision-making life of the congregation, and its task of reaching out in concern and service to the life of the human community as a whole ... they are to share in the ministries of compassion, witness, and

CONSIDER

Recognizing the structural and institutional advantages for persons from dominant identities and also disadvantages or obstacles for marginalized persons in credentialing will affect who responds to your search process. Be attentive to the codes (guarded messages of inclusion or exclusion) you have in your search materials, where you are posting, what groups are being targeted in your marketing efforts. Do you remove names from resume reviews to address implicit biases that can negatively affect persons with names that signal membership in a particular cultural group? Learn more about how bias affects hiring.

The images conjured in your head when you are reading about the pastor influences your approach to the search and how you evaluate candidates. Who do you see? Describe their body type, race, gender, age, ability, marital status, etc. Be sensitive to those images and ideas, talk about them in the search process, and in the evaluative cycles. Open discussion of challenges is a de-biasing practice.

Be accurate when describing physical requirements. Discriminatory practices are commonplace in our habits. Often imagination cannot contain how a person with a disability might be able to do a job, and we formalize them by writing them into job descriptions. Consider carefully if any restrictions are necessary for success in the position.

⁵ This is a complex area of law having to do with whether an employee is required by the Fair Labor Standards Act and/or state law to receive overtime pay for hours worked over 40 in a week. Exempt status is determined based on the kind of job, the duties required, and the salary, but determination is not always easy. It is important to know that employers cannot call employees “exempt” simply to avoid paying overtime. Sessions/personnel committees should consult with an employment attorney or HR consultant when classifying staff as exempt or nonexempt.

⁶ Congregations with 15 or more employees are not allowed to discriminate against applicants based on race, age, color, sex, national origin, age, or disability, although they have received a limited exemption from the Civil Rights Act of 1964 allowing them to restrict jobs to those of their own religious faith. Many states and cities have similar laws governing employers with less than 15 employees (Title VII, Section 702).

⁷ Congregations with more than 15 employees, to the extent they are engaged in a business or activity that affects interstate commerce, are required to comply with the Americans with Disabilities Act, which specifies that an employer must make reasonable accommodations to employ a qualified person who can perform the essential functions of the job unless those accommodations would impose an undue hardship on the employer. Many states and cities have similar laws governing employers with less than 15 employees.

service ... and they are responsible for sharing the ministry of the church in councils higher than the session and in ecumenical relationships” (G.2-0504).

This language is comprehensive (and intimidating!), but it doesn't make clear which activities the congregation wants the pastor to prioritize at this point in its life. Some congregations, for example, want the pastor to focus primarily on pastoral care while others prefer that the pastor focus primarily on preaching. A typical generalist description also does not include any specific references to the administrative and/or managerial responsibilities that are crucial to organizational functioning and can occupy so much of a pastor's time. No pastor can do everything, and a job description without agreed-upon priorities leaves the pastor open to the complaints of every member who feels their needs are not being met. It also leaves the session or personnel committee with no way to respond to member complaints. In the case of multi-pastor congregations, giving the same generalist job description to each pastor also creates confusion about who exactly is responsible for which duties. It is always better to be specific with each pastor's job description, describing which pastoral responsibilities are prioritized most highly by the congregation for that position in any given year. All of this can also be said of any staff job description.

CONSIDER

The vulnerability of the pastor varies with the social identities of the pastor. Sensitivity to complaints varies, so a personnel committee should anticipate and discern which complaints are real and which carry biases of the persons who are resisting the person and not the ways the person is doing the job.

Again, because God's call changes over time, all job descriptions should be reviewed annually or at least every other year. During the review, the session and personnel committee, in consultation with staff, should consider:

- whether the position and priorities still meet the missional needs of the congregation
- whether additional clarity and specificity are needed
- whether the position has the right number of hours assigned to it
- whether compensation is for only the position described

Part of the review should also consider whether the position described is consistent with the reality of the work done by the employee in that position. If the work and the description are not consistent, it should be determined 1) whether the employee is not doing what is needed consistent with the job description, or 2) whether the job description fails to adequately describe the work that needs to be done. If the issue is #1, then the supervisor should work with the employee to have the employee stop performing unnecessary tasks and realign their work to the job description. If it is #2, the job description should be revised.

Sometimes, one of the responsibilities of the pastor within the job description is to be the head of staff to other staff of the church. This does not have to be the case. The supervisory relationship

should be specified in the job description, so it is clear who will engage in day-to-day supervision of work according to the recommendations from the review.

Hiring Process

Regardless of who is responsible for the hiring process—the session itself, a personnel committee of the session, or a nominating/search committee—there are several important areas of both secular law and Presbyterian polity about which all should be aware:

- **Inclusiveness.** The PC(USA) is committed to full participation and representation—in its membership, its worship, its decision-making, and its employment practices. Councils of the church, including sessions, are *required* to give full expression to the rich diversity of the church’s membership and to provide for full participation and access to representation in decision-making and employment practices (F-1.0403; G-3.0103). For this reason, congregations are expected to manage all aspects of employment, including recruitment, hiring, evaluation, and retention in a way that expands the church’s witness to the diversity of God’s creation. Steps that congregations can take to be more inclusive in their employment practices might include, but are not limited to, building relationships with a broad range of people and groups outside of and prior to any hiring process, making a special effort to post positions in places that attract diverse communities, receiving training in how to recognize and counter unconscious and implicit bias, and structuring recruitment, hiring, and evaluation processes to maximize staff diversity and cultural proficiency competency while minimizing the effects of bias.⁸
- **Background and Reference Checks.** Congregations should routinely do background checks and reference checks for all positions, and especially for any employee or volunteer who may be working with children and youth or who may be called upon to drive a vehicle related to church business. Some church insurance carriers provide access to background check vendors. In all cases, background and reference checks should, at a minimum, meet the requirements of the insurance liability carrier, as well as any policies adopted by the congregation and the presbytery.
- **Form I-9 and Immigration Status.** All employers, including churches, are required by law to verify the identity of new hires and confirm that they are eligible to work in this country. This is done through a Form I-9, which does not need to be filed with the U.S. government but must be maintained in the employer’s files for three years after the hire or one year after termination, whichever is later. The Form I-9 must be completed by the employee on

⁸ For resources, training, and answers to specific questions, contact the Presbytery or the Office of the General Assembly Manager for Equity and Representation.

or before the first day of work, and the forms of identification must be reviewed by the employer no later than the end of the third day of work.⁹

- **Interview Questions.** Interviews that ask questions relevant to the requirements for a job are usually an important part of the hiring process, but certain kinds of questions should *not* be asked, including questions about an applicant’s race, gender, national origin, pregnancy or plans to become pregnant, disabilities, or age. (See Appendix A for a helpful summary of the legal status of a variety of questions.)¹⁰ The courts do typically allow churches to ask questions related to an applicant’s faith and to exclude persons from or prefer persons for employment on the basis of religion. That being said, determining if a person is authorized to work in the U.S. is required and all employers are to complete the I-9 (see above). Asking *every* applicant specifically “Are you eligible to work in the United States?”¹¹ early in an application process or during an interview, protects applicants from employment discrimination and from unintentionally engaging in unauthorized work that could affect their immigration status, and also keeps the employer I-9 compliant.
- **Compensation.** In addition to understanding the overtime requirements of the Fair Labor Standards Act and how these apply to the compensation of exempt and nonexempt church employees,¹² congregations may also want to consider establishing a general compensation policy that ensures, for example, reasonable but not excessive compensation for the pastor (or pastors in multi-pastor congregations) following the presbytery’s minimum wage guidelines (G-2.0804), a minimum wage applicable to all staff, or the use of data regarding comparable positions in the region when setting compensation for any new position.¹³ Congregations may also want to establish policies regarding benefits they choose to provide in addition to those available from the Board of Pensions. Especially in times of high employment, it is often useful to be both generous and creative with benefits in order to retain valuable employees. A local human resources professional will be able to assist in identifying emerging regional trends.

Employment and Pastors

The call process for an installed pastor must have concurrence by the pastor, the presbytery, and the congregation. The congregation must approve all terms of call or changes to terms of call,

⁹ An I-9 is not required for an independent contractor.

¹⁰ See Hammar, Richard, *Pastor, Church & Law*, (Christian Ministry Resources, 2000), 766–69.

¹¹ *Ibid*

¹² See Section 3 on job descriptions.

¹³ Check with local presbytery staff in order to ensure compliance with the presbytery’s minimum compensation standards for clergy.

including duties, compensation, and benefits, following minimum standards set forth by the presbytery. A pastor nominating committee must receive and consider the presbytery's counsel on the merits, suitability, and availability for those considered for a call. As members of the presbytery, pastors are accountable to and subject to the discipline of the PC(USA) and, if censured, may become ineligible to serve in a called and installed or temporary capacity as Minister of Word and Sacrament. The session is responsible for the supervision and annual evaluation of the pastor's performance. The presbytery is the only council that dissolves the relationship in consultation with the congregation.

However, not all pastors serving congregations are called and installed. The *Book of Order* also allows for temporary pastoral relationships, which may be filled by ministers of Word and Sacrament, pastoral candidates, or ruling elders. All those in temporary pastoral relationships, while not called and installed, must still have their terms of service approved by the presbytery. The session approves the terms of the relationship rather than the congregation, and the relationship is for no more than a 12-month period, although it is renewable annually (G-2.0504b).

Compensation works differently for pastors than for other kinds of employees. Each presbytery sets its own minimum salary for its region, and the pastor is paid an "effective salary" that always includes the following:¹⁴

- Housing allowance, which may be calculated based on actual anticipated expenses (mortgage payments, rental payments, utilities, repairs, furnishings, insurance, property taxes, additions, and maintenance) but cannot exceed the annual fair market rental value of the actual home in its particular market, furnished, plus utilities.¹⁵ The amount must be approved by the session prior to the beginning of each tax year. This amount is not taxable for federal income tax purposes.¹⁶
- Cash salary, which is the remainder of the cash compensation paid by the church.

In addition, Presbyterian congregations pay a percentage of the amount of the pastor's effective salary to the Board of Pensions in order to cover pension, medical care, and death and disability benefits.¹⁷ Congregations often choose to provide for at least four weeks of vacation and two

¹⁴ For more information on effective salary, see the Board of Pensions document, "Understanding Effective Salary" <http://www.pensions.org/file/what-we-offer/benefits-guidance/forms-documents/Documents/pln-103.pdf/> See also the "Total Effective Salary Calculator" on the Board of Pensions website: <http://www.pensions.org/calc/totalSalary>.

¹⁵ There is no necessary limit to the amount of a pastor's compensation that can be designated as a housing allowance if the allowance being claimed does not exceed the fair market rental value of the house furnished, plus utilities.

¹⁶ Pastors who live in church-owned manses do not pay income tax on the fair market rental value of the manse or on any manse allowance they may receive to cover related expenses such as utilities, repairs, and furnishings.

¹⁷ Other employees with a regularly scheduled work week of 20 or more hours may also be eligible for medical, dental, death and disability coverage through the Board of Pensions. Refer to the Board of Pensions website at www.pensions.org for details of coverage.

weeks of study leave for full-time pastoral positions, and some congregations choose to offer additional benefits such as sabbatical leave,¹⁸ dental coverage, or flexible spending accounts.

IRS Compliance

The tax status of pastors is also different from other kinds of employees. The basic rules are:

- Pastors are considered self-employed for Social Security purposes with respect to their ministry work. As a result, they pay the full 15.3 percent self-employment tax rate rather than the 7.65 percent employee's share of Social Security.
- Pastors' compensation is exempt from income tax withholding.
- Pastors may *voluntarily* request that their congregation withhold a specified amount from their wages. For many pastors, this is easier than estimating quarterly payments. A pastor who elects voluntary withholding would file a W-4 with the church.
- No withholding exemption exists for non-pastor church employees.

In addition to filing W-2s and W-3s in order to report income and withholding, congregations are also required to file 1099s for all nonemployees who are paid \$600 or more in total compensation in a year. For example, congregations who choose to use pulpit supplies rather than establishing a temporary pastoral relationship should file a 1099 for each pulpit supply to whom they pay a total of \$600 or more in honoraria (not including mileage) over the course of the year.

Some presbyteries require that congregations provide their pastors with a Social Security "offset" to cover what would have been the employer's portion of the Social Security tax. This is considered taxable income for the pastor.

A church may set up an independent contract with an individual or company that provides certain occasional or ongoing services and has multiple other clients (such as website management, lawn or janitorial services, etc.). However, church secretaries, teachers, choir directors, preschool workers, business managers, and similar positions are considered church employees not independent contractors. See *Church Finance: The Complete Guide to Managing Ministry Resources* for a helpful list of determinative rules regarding who may or may not be considered outside contractors.¹⁹

In practice, this can all be quite complicated. Congregations should consult with the presbytery regarding terms of call and Board of Pensions requirements. Either the presbytery or an accountant will be able to address tax questions.

¹⁸ For resources on sabbatical leave for pastors, see <http://oga.pcusa.org/section/mid-council-ministries/pastors/rationale-sabbatical-leave/>.

¹⁹ Batts, Michael and Hammar, Richard R., *Church Finance: The Complete Guide to Managing Ministry Resources* (Carol Stream, IL: Christianity Today Resources, 2015), 244–45.

Employee Oversight

Employment Policies and Employee Handbooks

Any congregation that has employees should have an employee handbook or policy manual that is given to every employee when they are hired. The employee should be expected to sign a document stating they have received the handbook, and the document should be kept on file with the congregation.²⁰ These handbooks outline various aspects of the employer/employee relationship and make congregational life less chaotic by providing a common reference point.

Determining what to include in a handbook can seem daunting, especially if a congregation's existing handbook has not been revised in many years or the congregation has never had one. Typically, employee handbooks address the following categories:

- Equal Employment Opportunity (EEO) statement (clarifies that a congregation will not discriminate)
- Compensation and benefits (e.g., how often employees are paid, whether overtime requires advance permission, how vacation time is accrued and used, which days are recognized as holidays, medical and family leave, and how responsibilities such as military leave or jury duty are handled)
- Safety and security (e.g., snow day or concealed weapon policies)
- Performance management, including both professional development and processes for disciplinary action up to and including termination (e.g., building up skills or capacity for an employee to take on expanded responsibilities or correcting problematic employee behavior)
- Voluntary separation (e.g., notice requirements and expectations for the return of church property)
- Employee concerns and grievances (e.g., a process for receiving employee concerns about a supervisor while protecting the employee from retaliation)
- Digital media use (e.g., policies covering what cannot be viewed on church-owned computers or what cannot be said on church social media accounts)
- Sexual harassment prohibition (e.g., policies to create a safe reporting procedure)
- Child/youth/vulnerable adult protection (policies designed to prevent injury to or abuse of children and vulnerable adults)
- Employee standards of behavior (e.g., standards for dress or for the use of nicotine while working)
- Unemployment policy (clarifies that churches are exempt from participation in state unemployment taxes)

²⁰ If the manual changes, employees should be asked to re-sign it at the time of their next annual review.

- Information about at-will employment. All states recognize at-will employment, the concept that an employee can leave employment at any time for any reason and an employer can terminate an employee at any time for a reason or no reason, as long as the reason is not discriminatory or otherwise illegal. Some states have conditions on at-will separation; check with your local legal advisor.

Because applicable state and local laws vary, it is not possible to include a full list of employment policies in this document. It is also important to know that employment law changes, so policy language needs to be reviewed at least annually. The presbytery is any congregation's best resource for model policies that comply with current federal, state, and local law. In addition, the Employee Handbook of the Presbyterian Church (U.S.A.), A Corporation (the corporation of the General Assembly), is available for review from the Human Resources Department. For specific questions, consult presbytery staff, the PC(USA)'s Legal Services office, or a local employment attorney.

Once policies have been adopted, they should be followed consistently among all staff so that there is no risk of discrimination. Ensuring compliance is often the responsibility of the head of staff, but the session is ultimately responsible. Sessions and session personnel committees should include adherence to personnel policies in the pastor's job description and should review compliance as a part of the pastor's annual evaluation. They should also review the congregation's personnel policies annually, both to ensure that the policies follow Presbyterian polity and applicable law and to ensure that they themselves understand the policies.

Supervision and Evaluation

Too often the responsibilities of supervision and evaluation are seen primarily (if not, perhaps, exclusively) in negative terms. The temptation can be to focus on problems and shortcomings. But supervision and evaluation should be even more about recognizing and celebrating accomplishments. It should be about finding ways to support continued growth in areas of excellence and not only about shoring up areas needing remediation. These functions should provide opportunities for evaluating not only staff persons but also the mission tasks of the congregation to see how mission needs and personal gifts are best aligned to accomplish mission goals. When these positive concerns are kept to the fore, both supervisor and employee may find renewed energy around these important functions.

In preparation for a performance evaluation, have the employee reflect on questions like these:

- What do you see as the chief accomplishments of our congregation's mission in the past year, and how did you contribute to those accomplishments?

- What opportunities for new mission do you see for us in the coming year, and what gifts do you bring to help us bring them to reality?
- What areas of professional growth and development are you finding energy around at this time, and how can we support you in those efforts?

Depending on the size of the staff, these questions may need to be focused more particularly on mission objectives as expressed within the person's job description. But opening an evaluation meeting with a discussion of prepared responses to questions like these can create a space for a productive evaluative process that is more than focusing only on problems.

Even when a congregation agrees on its mission and has established clear job descriptions and an annual review process, it may still have difficulty assessing staff performance. Typical challenges include:

- The congregation may not be clear about who is responsible for evaluation—the session, a personnel committee of the session, or a pastor—and what process to follow.
- Those responsible for evaluation may not have been trained in performance management.
- Those responsible are often uncomfortable evaluating someone else's performance, especially if the person they're evaluating does a job they don't personally know how to do.
- Those responsible may be afraid that anything perceived as criticism will cause conflict.
- If those responsible are not staff, they may not interact on a daily or even weekly basis with persons they are expected to evaluate.
- If those responsible are a group, members may have close personal relationships with or alternatively personal hostilities toward staff they are expected to evaluate, making it difficult for the group to speak with one voice.

If these problems aren't addressed—if effective evaluation doesn't happen—the result for the congregation can be years of failure to carry out the mission and ministry to which God has called the congregation, to care for the members of the congregation, and/or to serve the surrounding community, which may be changing.

One way to address any reluctance to supervise and evaluate, especially as it relates to normal human reluctance to judge others or fears of causing conflict, may be to distinguish between the way care is expressed in an employment relationship and the way it is expressed in a pastoral relationship.

When a pastor interacts with a member or when members interact with each other in a time of trouble, for example, the goal of the relationship is to help the person experience God's love and justice in the midst of difficulties and celebrations.

In an employment relationship, however, both employer and employee have agreed, first and foremost, that the goal of the relationship is to be faithful to God’s mission for the congregation as it has been discerned by the congregation together. While pastoral care may still be offered if a staff person encounters difficulties, care within an employment relationship primarily takes the form of such things as clear job descriptions, health benefits, and leave policies. Ultimately, if an employee fails to perform well enough to help the congregation achieve its mission, it may become necessary to require changes in behavior through performance improvement plans, mentoring, additional training, or even termination or dissolution of call. Change is fundamental to the employment relationship because both the congregation and the staff have agreed to be responsible for and accountable to the congregation’s mission. A good performance management process will recognize and negotiate needed change.

What, then, does a congregation do if an employee is also a member? For those responsible for supervision and evaluation, the primary form of relationship regarding areas of work responsibility should be the employment relationship. The employee has many opportunities for friendship and even for pastoral care from another pastor, but there is only one supervisor and only one mission to which both the employee and the supervisor are responsible. In situations in which an employee is also a church member, the supervisor, whether an individual or a group, and the employee must agree in advance to prioritize the employment relationship as it relates to areas of work responsibility. In certain areas the “personal” and the “professional” will clearly overlap (for example, in addressing work responsibilities in the context of extended leave for personal or family member medical necessity), but both supervisors and employee need to understand their distinct and respective responsibilities to both individual and the congregation. This practice is not recommended in most cases when avoidable.

CONSIDER

When there is a considerable cultural difference between the staff person and the community being served, additional support for the staffer may be warranted. The burdens on and extra effort required for persons to lead across significant differences are high. Consideration for how staff persons are supported from their cultural perspective is recommended. Care should be taken not to require said support or to question when it is cultivated. For example: Women of color may struggle with receiving so many subtle acts of exclusion (aka microaggressions) in the daily doing of ministry in a majority White congregation. Healthy support mechanisms recognize that context drives what good care is. What works for persons in a dominant culture may be harmful for persons from marginalized identities. Care for the effective mission means appropriate care for the persons and the systems charged with doing that ministry.

For employees to succeed and for God’s mission to go forward, the person or group responsible for supervision and evaluation should expect to provide the following for each direct report:

- Supervisory conversations, as often as daily, that recognize the employee’s successes and struggles and that offer encouragement and correction as situations arise

- Weekly/monthly/quarterly supervisory check-ins with employees, with frequency depending on both the employee’s need for assessment and support and the supervisor’s need for information
- An annual evaluation based on the specific elements—essential functions, core competencies, and goals—of the job description and an assessment of progress toward the employee’s identified goals, such as SMARTIE goals (see p. 12) or another way of setting achievable and measurable goals²¹

Performance management does not depend on the supervisor or evaluator knowing how to do the employee’s job. Instead, the job description and goals should be clear enough and measurable enough that they can be used to define whether the employee is performing or not. For example, if the congregation sets a goal to start, within the next 12 months, a new worship opportunity for a different demographic of worship participants, and the music director is tasked with identifying and implementing an appropriate new music offering, then the music director should be evaluated on this goal and whether it cohesively supports the new worship service.

Anonymous member surveys and anonymous complaints should not be used for performance management. A job description, once adopted by a session, is the only applicable standard for whether an employee is performing effectively. Providing a voice to every discontented individual, especially those who do not understand or agree with the congregation’s discerned mission, only leads to employee confusion and conflict among members. Members who are unhappy with staff performance should be expected to speak to the session or its personnel committee about their concerns.

CONSIDER

Anonymous surveys are cover for explicit bias to be exercised without responsibility or accountability.

Very few people are truly gifted at either giving or receiving performance evaluation, but some version of it is fundamental to the effective pursuit of God’s call. Both pastors and members who are expected to function in a supervisory or evaluative role should receive training so that they can do the work effectively. Those who are reluctant to be trained in performance management, as well as employees who refuse to be meaningfully supervised or evaluated, should probably not be retained in their role.

Standards of Conduct and Professional Ethics

In 1998, the 210th General Assembly approved a report titled “Life Together in the Community of Faith: Standards of Ethical Conduct for Members of the Presbyterian Church (USA).”²² Similar

²¹ For examples of a job description and an evaluation form based on the job description, see Appendices B and D.

²² https://www.pcusa.org/site_media/media/uploads/oga/publications/ethical-conduct.pdf

standards were approved for employees, volunteers, and ordained officers. These standards were recommended for study, approval, and inclusion in manuals of operations and for use by congregations, sessions, and personnel committees. In 2011, based on “Standards of Ethical Conduct,” the Presbyterian Center approved “Standards of Behavior”²³ on how to create a culturally proficient workplace. In 2006, an Ethics Policy for employees of the Presbyterian Mission Agency and the Office of the General Assembly was adopted.²⁴ This is a business ethics policy. More recently, the Presbyterian Mission Agency, Office of the General Assembly, and the Administrative Services Group of the Presbyterian Church (U.S.A.), A Corporation, adopted a revised version of this policy for their employees, including the following:

- A commitment to avoid conflicts of interest
- A promise of confidentiality regarding all information not publicly known about the entities
- A duty to keep accurate and timely records
- A duty to disclose violations of the ethics policy and to protect whistleblowers from retaliation
- A description of the investigative process to be used when violations are alleged, including the option to put the accused staff on administrative leave pending the result of the investigation
- A duty to train staff in the meaning and intent of the policy²⁵

All employees are annually required to acknowledge receipt of the policy and indicate that they are responsible for ensuring that employees under their supervision are aware of the policy and are asked to name any violations known to them at that time. Whistleblower forms are provided for reporting violations, as are procedures of processing a report of a violation.

Congregations are encouraged to adopt similar policies and procedures. They are also encouraged to hold annual training for both session members and staff regarding ethics policies, and to ask session members and staff to sign a document attesting to their understanding. In the case of session members, such training can be included in annual training about the manual of operations in order to ensure session awareness of the congregation’s policies.

Sexual Misconduct and Abuse

The Presbyterian Church (U.S.A.) believes that sexual abuse, sexual harassment, and sexual misconduct are never permissible or acceptable. As councils of the church, sessions are **required** by

²³ <https://www.presbyterianmission.org/resource/standards-behavior/>

²⁴ <https://www.presbyterianmission.org/wp-content/uploads/ethics-policy-pma-oga-employees.pdf>

²⁵ <https://www.presbyterianmission.org/wp-content/uploads/sites/20/A-Corporation-Universal-Handbook-Effective-1-1-20-final.pdf>

the *Book of Order* to adopt and implement a sexual misconduct policy and a child and youth protection policy. Policies approved by the General Assembly include:

- **Standards of Ethical Conduct**
(Approved by the 210th General Assembly [1998]). The standards provide that members, employees, volunteers, and ordained officers of the PC(USA) will refrain from exploiting relationships for personal gain, including sexual harassment. [Download](#)
- **Sexual Misconduct Policy and Its Procedures**
(Adopted by the 219th General Assembly [2010], updated October 2013). It is the policy of the Presbyterian Church (U.S.A.) ... that all church members, church officers, nonmember employees, and volunteers of congregations, governing bodies, and entities of the church are to maintain the integrity of the ministerial, employment, and professional relationship always. Persons who engage in sexual misconduct are in violation of the principles set forth in scripture, and of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct. [Download](#)
- **Child/Youth/Vulnerable Adult Protection Policy and Its Procedures**
(Approved by the 222nd General Assembly [2016]). It is the policy of the General Assembly of the Presbyterian Church (U.S.A.) and all entities of the General Assembly that all church members, church officers, nonmember employees and/or contractors, and volunteers of congregations, councils and entities of the church are to maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children, youth, and vulnerable adults. This policy applies to all General Assembly entity sponsored activities that involve children, youth, and vulnerable adults. [Download](#)

The General Assembly policies are models that congregations can use to draft their own policies, which should be drafted for the particular church. Additional resources and information on all aspects of creating safe ministries, including reports, liturgical resources, and guides to creating policy, can be found at <https://www.presbyterianmission.org/legal-resources/creating-safe-ministries/helpful-resources/>.

Termination

One of the hardest decisions for any congregation is whether to terminate an employee. As these decisions are considered and discerned, refer to policies and procedures already within the PC(USA) for discipline, such as the Rules of Discipline and the responsibility of the congregation, the session, and any committees of the session to follow the Rules of Discipline. The *Book of Order* also outlines

who is responsible for termination; it is recommended that this responsibility be placed in the manual of operations. Within the PC(USA), the pastor is never responsible for termination.

Although every case is different, the following can also be helpful:

- Adopt policies and procedures for progressive discipline and termination and follow the policies consistently.
- Those responsible for supervision should address poor performance or poor behavior *as it occurs* and should document what was said or done. Any ongoing problems should always be documented in writing in annual evaluations.
- Be clear in the manual of operations about who is responsible for any decision to terminate. It is never helpful to have to debate who is in charge in the midst of a difficult staffing decision.
- Whoever is responsible for a decision to terminate, whether session or personnel committee, should be trained to do this difficult work.
- If it appears that a termination decision may need to be made at some time in the future, talk to an attorney now in order to identify and mitigate any potential legal hazards.

Pastoral Dissolution

Only the presbytery is responsible for dissolving the installed and called pastoral relationship after consultation with the pastor and the congregation. It is not appropriate for a session and a pastor to negotiate a dissolution agreement since neither the session nor the pastor has the power to dissolve the pastoral relationship. Any potential additional compensation in addition to the salary (often referred to as a severance package) for the pastor is considered a change to the term of call of the pastor and must be approved by the congregation during a congregational meeting. It is not appropriate for a session and a pastor to agree to a severance package since neither the session nor the pastor has the power to approve the change to the terms of call.

Appendixes

Appendix A

Guidance on Interview Questions

What You Can Ask/What You Cannot Ask

Issue	Do NOT Ask	You May Ask
Age	Applicant's age, date of birth, date of high school or college graduation. Federal and state laws prohibit discrimination based upon age, 40 and over.	Whether the applicant is over the minimum age and under the maximum age, if age is a bona fide occupational qualification.
Alcohol or Drug Use	Any questions at all. Under the Americans with Disabilities Act alcoholism is a covered disability, but current illegal drug use is not protected.	Nothing.
Arrest Record	Any questions at all. The EEOC discourages employers from relying on arrests to make hiring decisions; studies show that racial ethnic citizens are arrested at higher rates than white citizens.	Nothing. After job offer and before start of employment, conduct background checks to address any relevant issues in this area.
Citizenship/ National Origin	Where the applicant or parents were born, customs, accent, attire, date they/he/she became a citizen. Federal and state laws prohibit discrimination based upon citizenship and national origin.	What languages the candidate speaks or reads/writes, only if being multilingual is relevant to the job duties of the position.
Credit History	Any questions at all. Credit history and credit ratings are considered discriminatory toward minority candidates.	Nothing. Credit will be included in background check if relevant to the position (after job offer and before start of employment).
Criminal Record	Any questions at all.	Nothing. Run criminal background checks to address any relevant issues in this area (after job offer and before start of employment).

Disabilities	Any questions about obvious or perceived disabilities, past injuries, physical limitations, worker’s compensation claims, lawsuits over injuries, medications, or any question that would lead to answers about disabilities. Under the Americans with Disabilities Act, pre-offer inquiries about disabilities are prohibited, except in very limited circumstances.	You may show the applicant the job description and ask if the applicant can perform the essential functions of the job. 1) If the answer is yes, ask nothing else; however, if necessary, you can ask the applicant to show how they would perform one of the essential functions, then stop asking questions in that area. 2) If the answer is yes and the candidate can perform the essential functions <i>with accommodation</i> , discuss the accommodation and seek legal advice. 3) If the answer is no, the candidate cannot perform all the essential functions of the job, document the answer and ask which functions the applicant cannot perform. If the applicant self-identifies as disabled, document it.
Gender Identity or Expression	Any questions at all about gender identity or expression.	Nothing.
Genetic Information	About genetic tests of applicant or family members or family health history. Under the federal Genetic Information Nondiscrimination Act, it is illegal to discriminate in employment based upon genetic information.	Nothing.
Licenses and Certifications		If they are relevant to the position.
Marital or family status	About marital, family status, pregnancy, number of children, or childcare issues. Federal and state law prohibit discrimination based upon gender and pregnancy.	If the applicant can perform the essential functions of the job, including work schedule, but the question must be asked of ALL candidates, not just female candidates.
Membership	Any questions about clubs and organizations to which the applicant belongs, unless they are expressly relevant to the position.	Organizations to which applicant belongs and positions held, if the information is not used to discriminate based upon a protected category (e.g., age, gender, race). And the organizations should be relevant to the position (e.g., if you are interviewing a lawyer, bar association membership is relevant).

Military Service	Any questions about military service, unless they are expressly relevant to the position. Federal law prohibits discrimination based upon military service.	Rank attained, experience, and education in the military as it relates to the position.
Race/Color	Any questions at all about race or color. State and federal law prohibit discrimination based upon race/color.	Nothing.
Religion/Creed	Questions about religious beliefs, to what religious community the applicant belongs, religious holidays the applicant observes, religious customs, unless religion is a bona fide occupational qualification for the position.	If the applicant can perform the essential functions of the job, including work schedule.
Sex	Questions about the gender of an applicant. State and federal law prohibit discrimination based upon a candidate's gender.	Nothing.
Sexual Orientation	Anything at all about a candidate's sexual orientation.	Nothing.
Smoking	If the applicant smokes. It is a violation of laws of some states to discriminate against smokers.	Nothing.

Appendix B

Sample Annual Evaluation Form Based on Job Description*

Employee Name:

Position Title:

Supervisor's Name:

Supervisor's Title:

Date of Review:

Period Reviewed:

Accomplishments (Indicate progress related to goals below that were identified during last year's review. Also list other accomplishments from this review period.)

A.

B.

C.

D.

Essential Functions and Responsibilities: (Note that the contents of this section correspond to the section of the same name in the employee's job description.)

Performance Expectations Taken from Job Description	Comments Describe how performance compares with expectations. Describe strengths and areas for improvement.	Rating Performing or Needs Improvement
Oversee accounts payable and receivable processes, including verification of cash donations, management of bank deposits, working with accountants to ensure compliance with appropriate policies		
Manage budgeting and auditing processes		
Assist pastor as needed		
Produce quarterly congregational statements of giving		
Purchase and manage supplies and equipment		
Act as primary receptionist whenever in office and ensure a welcoming environment for all		
Manage incoming and outgoing mail		
Train volunteers regarding routine office procedures		
Assist with set-up of special events as needed		

Assist with meetings of boards and committees as needed		
Produce minutes for annual meeting		
Manage relationships with vendors		
Maintain files		
Provide technical support as needed for staff		

Core Competencies Taken from Job Description	Comments Describe how performance compares with expectations. Describe strengths and areas for improvement.	Rating Performing or Needs Improvement
Interpersonal Skills: Establishes good working relationships with all those who are relevant to the completion of the work; uses diplomacy and tact; is approachable; considers the impact of his or her actions on others		
Mission Ownership: Demonstrates understanding and full support of the mission, vision, and values of the organization		

<p>Technical Expertise: Acquires and demonstrates the technical skills required to proficiently complete the essential functions of the job; seeks to develop skills which are lacking</p>		
<p>Time Management: Is able to focus time on tasks that contribute to organizational goals; uses time effectively and efficiently; can appropriately balance priorities</p>		
<p>Attention to Detail: Consistently attends to the many small pieces that must be assembled into an organized whole; follows up on missing items; resolves unanswered questions</p>		
<p>Integrity and Trust: Is seen as trustworthy by others; responds to situations with consistency and reliability</p>		
<p>People/Volunteer Management: Provides direction; achieves results through the efficient deployment of volunteers; engages people in their areas of giftedness and passion</p>		

Goals for the next review period. (Goals should be stated in a way that relates them to the Strategic Plan and should focus on new ways in which this position can contribute to achieving the plan.)

- A. Identify and implement a new telephone system

- B. Continue to provide assistance in analyzing giving data

- C.

- D.

Changes to job description.

- A.

- B.

***CONSIDER**

Care must be taken to be sensitive to how job descriptions form a picture of the potential employee and narrow the accessibility of the job search. Pay attention to ways discrimination can sneak in—is disability restrictive? Or does accommodation make it moot? How are caretaking skills described? Ask for help in assessing these things with different audiences and people sensitive to the concern.

Some of these assessments may be cultural and center on dominant culture related to understandings of time, effectiveness, and efficiency. When employees and organization differ in their cultural frames, conflict arises and often the disadvantaged party is the employee. Be watchful for a narrowing of the expressions that get the label “good.” What does diplomacy and tact look like in different cultural expressions? Who is assessing what approachable means?

In addition, who is seen as trustworthy has a lot of culture in it. Implicit bias and automatic associations inform this more than is often acknowledged. The group’s makeup along difference informs this too—if the only person

different is deemed untrustworthy. Check the biases of the system and do not be deceived to look only within the individual.

Cultural lenses often have gifts missed because they are different. This is a results-focused assessment. Do not allow it to expand to process critique. If others are directed, achieve, and engaged, then the ways the employee did it are not on the table. To do that would be to require one approach or to signify one as the measure for all.