

Background checks

It is very important and a normalcy in today's world, to obtain background checks on a prospective employee. Certain positions at our churches, like day care, nursery schools, etc., will require it but other employees who have access to children, including church administrators and maintenance staff, should have a pre-employment background check.

Please note that many background check services provided by state agencies, although economical, are inferior as they check only the resident state records. It is important to check this out before paying for the service.

The EEOC (Equal Employment Opportunity Commission) issued rules in 2012 regarding the use of background checks as employee screening devices. Per the EEOC, "due to the disparate impact of criminal records on prospects for employment, the EEOC has determined that it is improper to disqualify a candidate solely on the basis of a conviction. The crime must be material to the employment to be disqualifying. "

Wages and Working Hours

Federal law regarding wages and working hours does not apply to churches, however, state law does. State minimum wage laws apply so make sure you are paying at least the minimum wage rate for Pennsylvania.

Watch out when your church pays a lump sum for a particular service to an employee. If you take the lump sum payment and divide it by the number of hours the person spent on the particular service, it must calculate out to at least the minimum wage rate. Provide time cards to hourly employees and make sure they complete them.

Overtime (time and a half) must be paid for all hours worked over 40 hours/week for "non-exempt" employees. Hourly employees are almost always non-exempt and entitled to overtime pay. The calculation is done strictly on a week to week basis. Therefore, if you pay every two weeks and the person works 30 hours one week and 50 hours the next; they are entitled to time and a half on the 10 hours worked over 40 the second week even though the total for the period was only 80 hours.

Please note that employment liability insurance does not cover you if you are in violation of labor laws of this kind.

Employee Evaluations

As a matter of personal development for employees and fulfillment of the church's objectives, a regular system of evaluation is encouraged. Many times the church will have members who have HR experience who can be organized into a team and can be utilized to handle this portion of staff relations. In the unfortunate circumstance of a termination which results in a claim of wrongful termination, whether or not an employee has been evaluated and counseled for poor performance becomes very important.

If you have any suggestions or questions for an upcoming article, please contact Tammie Wisniewski at tammie@psec.org or call the conference office at 484-949-8774 X304