

Americans with Disabilities Act (ADA)

In “general,” churches are not subject to the ADA since the federal law only applies to employers with 15 or more employees. States, however, may have corresponding statutes with different thresholds for compliance. Despite the statutory exemptions available to small employers, churches will usually feel morally inclined to respond to the goals of the Act. Below are PA’s requirements (sampling):

“The **Pennsylvania Human Relations Act** prohibits employment practices that discriminate against individuals or independent contractors on the basis of non-job-related handicap or disability, or the use of a guide or support animal because of blindness, deafness, or physical handicap of any individual or independent contractor, unless the practice is based on a bona fide occupational qualification (BFOQ) exception. The Act covers all public employers and private employers **with four or more employees** (*PA Stat. Tit. 43 Sec. 951 et seq.*). Under the Act, it is unlawful for an employer to:

- Refuse to hire, employ, or contract with, or to bar or discharge an individual or independent contractor on the basis of handicap or disability, if the individual or contractor is "the best able and most competent" to perform the services required.
- Elicit any information, make or keep a record, or use an application form to inquire about a past handicap, disability, or use of a support animal.
- Print or publish a job advertisement indicating any preference, limitation, specification, or discrimination based on handicap, disability, or use of a support animal.
- Deny employment because of a prior handicap or disability.
- Discriminate against an individual who has opposed an unlawful discriminatory practice, made a charge, or testified or assisted in any investigation, proceeding, or hearing under the Act.
- Attempt to commit an unlawful discriminatory act, or to aid, abet, compel, or coerce anyone to commit an unlawful discriminatory act, or to obstruct or prevent compliance with the Act or a commission order.”

The EEOC provides information regarding “reasonable accommodation” at this link:
<http://www.eeoc.gov/policy/docs/accommodation.html>.

Travel and Expense Reimbursement Plans

Although extensive travel may not be a common practice for churches, periodic special events may require some clarity about reimbursement and should be spelled out in your employee manual. Expense of approved travel performed in the course of conducting church business should only be reimbursable in accordance with IRS reimbursement regulations and the travel policy in effect at the time the expense is incurred.

As more churches use credit cards for miscellaneous expenses, there must also be accountability regarding their use, as well as a “prior approval” routine. Persons controlling a credit card statement should not have access to the related credit card. Personal charges should never be allowed and all cards must be returned upon an employee’s termination or upon request.

Whether or not cash advances for immediate expenses of approved travel will be allowed based on a written request must be decided and written in the plan.

After completion of travel, the staff member should prepare an expense report and attach necessary supporting receipts. They should need supervisory signature approval prior to submitting for reimbursement to finance person. The norm is for all reimbursement reports to be submitted within 30 days of completing travel or incurring expense.

A “one over one” approval routine is recommended, that is, travel and unbudgeted expenses should be approved by each person’s immediate supervisor at a very minimum.

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