

Legal Issues

Employees and Volunteers



Evangelical Lutheran Church in America
God's work. Our hands.

Hiring Employees in Congregations

What steps must my congregation take before hiring a new employee?

Does your congregation have its 'I-9's in order?

Under federal law, all employers—including congregations, synods and church organizations—must have a form on file that verifies the employment eligibility and identity of each employee.

The Immigration Reform and Control Act requires all U.S. employers to complete the [Employment Eligibility Verification form](#) (Form I-9) for all employees, including U.S. citizens. There are no exceptions! There are many documents that have been approved to establish employment eligibility. Be careful to note which documents are needed alone and which ones are needed in combination.

- U.S. passport
- driver's license
- social security card
- certified copy of birth certificate
- permanent resident card

The [Bureau of U. S. Citizenship and Immigration Services](#) has primary responsibility for enforcing these laws. You will find the I-9 forms, in English and Spanish, and other useful information on their Web site.

Employment Screening

- Have a job application completed
- Ask for references
- Ask for previous employment references
- Make sure you call the references and make written notes of the calls for your files.
- See ELCA job application sample

Background Checks

Are there some questions we should ask and issues we should address when doing background checks in the staff hiring process? Yes – please review the ELCA resource “Background Check Questions.”

You can do a background check yourself or hire a service to do it for you. Most of this information is public record and can be retrieved online.

Background Checks can be done to:

- verify name and address and previous addresses
- verify previous employers
- verify Social Security number
- verify educational history or professional license
- verify military service
- search criminal records
- search civil records
- search sexual offender / terrorist databases
- search driving violation records

Two background check companies, ChoicePoint, a LexisNexis company, through VolunteerSelect Plus and Oxford Document Management Company, are offering ELCA organizations and institutions at competitive fees for their services:

[ChoicePoint, a LexisNexis company](#)

As a preferred vendor, ChoicePoint through [VolunteerSelect Plus](#) is waiving any set-up or initiation fees if you use the promotion code provided. VolunteerSelect Plus offers services to ELCA synods, congregations, and affiliated organization customers at competitive rates.

[Oxford](#)

As a preferred vendor, [Oxford](#) offers a 10% discount on all screening services provided to synods, congregations, and affiliated organization customers. Oxford never charges set-up or initiation fees. To obtain the discount, call Oxford at 1-800-801-9114.

Resource Materials for Congregations Concerning Screening, Hiring, and Supervising Non-Rostered Employees and Volunteers

Web Resources:

Protecting Children, Youth, and Adults from Abuse (an ELCA Resource)

[Youth Safety and Your Congregation](#) from Church Mutual Insurance

[Called to be a Safe Place: Addressing Sexual Misconduct in Our Church](#) - A Web site containing a variety of resources dealing with sexual misconduct issues offered by the Evangelical Lutheran Church in America. Early in the life of the Evangelical Lutheran Church in America, this church expressed clearly its intention to take whatever measures it could to help prevent sexual abuse and

misconduct within the ELCA. In other words, the church is "Called to be a Safe Place."

[Creating Safe Churches: Addressing Sexual Misconduct](#) A Web site containing a variety of resources dealing with sexual misconduct issues is offered by the Presbyterian Church. The theme of the site is "Safe Churches." The Web site contains sexual misconduct-related definitions, awareness-raising resources, guidelines for creating sexual misconduct policies for congregations, protocols for reporting incidents of sexual misconduct, resources for rebuilding trust that has been shattered in a religious community by incidents of sexual misconduct.

Books and Pamphlets:

[Safe Sanctuaries: Reducing the Risk of Child Abuse in Church](#)

by Joy Thornburg Melton

This 80-page book from Upper Room provides guidance to help develop policies and procedures for reducing the risk of child abuse in the church. The book defines the scope of child abuse, outlines the different types of abuse, notes the indicators of abuse, discusses the legal requirements for reporting abuse, and provides guidelines for screening and hiring workers and volunteers. The book also outlines basic procedures of safe ministry with children and youth and outlines a congregational plan for responding to allegations of abuse. Sample forms included for screening workers, requiring background checks, doing reference checks and reporting suspected abuse. A suggested training session plan for people who work with children and youth is outlined, and a bibliography of suggested resources is included

Also included:

Safe Sanctuaries for Ministers

Safe Sanctuaries for Children and Youth DVD

Resource Kits:

[Selection and Screening Kit for Church Employees](#)

by Richard R. Hammar and James F. Cobble Jr.

This kit provides the forms a congregation needs in the selection and hiring of non-rostered employees. It is designed for use by congregations and contains ten complete sets of booklets and detailed instructions. Kit includes in part: employment application, telephone interview form; annual review of employment; interview form; and sample letters.

[Selection and Screening Kit for Church Volunteers](#)

by Richard Hammer and James F. Cobble Jr.

This kit provides the forms required in the selection and screening of volunteer workers. The kit can be used by congregations of any size. Forms and information included in part are: form for driving church vehicles, assumption of risk form; review of applicable laws, and maintaining a safe environment.

[No Surprises: Harmonizing Risk and Reward in Volunteer Management](#)

by the [Nonprofit Risk Management Center](#)

A 125-page guide which helps organizations to safeguard volunteers, service recipients and the organization. Assists nonprofits in balancing the risks and rewards of volunteer management. This edition of *No Surprises* includes a brand-new chapter on "Frequently Asked Questions" about volunteer service as well as updated content on managing risk in program design, volunteer recruitment, volunteer supervision and public relations.

[Staff Screening Tool Kit](#)

by the [Nonprofit Risk Management Center](#)

This 137-page guide provides help in screening, position descriptions and selection criteria, recruitment and applications, interviews, reference checks, record checks, other screening techniques, and the increased focus on official agency records as tools for staff screening. It features a state-by-state directory of agencies that maintain records useful for screening.

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