

**EMPLOYMENT RESOURCE
MANUAL
FOR
CONGREGATIONS AND
DISTRICTS**

The Lutheran Church—Missouri Synod

August 2012

To: Districts, Congregations and Schools of the LCMS
From: District Human Resources Committee
Subject: Employment Resource Manual for Congregations and Districts
Date: August 15, 2012

At the Conference of District Business Managers in November 2010, a committee was appointed with the task of revising and updating the Employment Resource Manual for Districts and Congregations. This manual serves as a guide to LCMS employers for the purpose of drafting their own personnel manuals related to employer and employee relations.

After extensive review and revisions by the committee, along with consultation by legal counsel of the manual's contents, the Employment Resource Manual is now available for LCMS employers. The manual can be found on the Lutheran Church—Missouri Synod Website (www.lcms.org) under the resources link at the top of the homepage.

We pray that this manual provides benefit to your local ministry and adds clarity to the creation or revision of your employers' personnel, policy and administrative manuals.

In Christ's service,

District Human Resources Committee

PREFACE

There are many complexities in the various state employment codes, and the exemption of religious organizations from some state and federal employment laws. The committee updating the Employment Resource Manual hopes this document will be useful as a separate and distinct educational tool to assist congregations and districts of the Synod in understanding and applying good sound employment principles.

It is intended that the District Business Administrator or person(s) responsible within the congregation for human resource/personnel matters will use the contents of the Employment Resource Manual for Congregations and Districts as a reference tool and guide in performing the tasks necessary to provide effective management of the personnel working in the congregational setting or district office.

While some of the enclosed material represents federal statutes that may not be applicable to the church, it was determined that the information is of sufficient interest in the general area of personnel management to make it available for the individual congregation or district to determine its usage.

Please understand that the sample forms and checklists provided are merely suggestions as ways in which the congregation or district can organize and perform their functions.

This resource manual is intended to be an administrative aid to the congregations/districts to assist them in managing their employees according to employment laws. All the information provided is contingent upon the applicable federal, state and local laws. State and local laws vary, therefore; this manual is in no way intended to replace legal counsel from an attorney knowledgeable in the area of employment law.

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PERSONNEL MANAGEMENT

INTRODUCTION

Personnel management in any organization, especially in the congregational setting, is intended to ensure the effective and efficient use of the God-given talents bestowed upon the congregation through its employees.

While it is certainly expected that our Christian ethics will lead us to do the right thing in caring for and nurturing our employees, there are a myriad of legal requirements that regulate the employment relationship. The congregation, like other organizations, must be educated in order to meet the legal obligations in the area of employment law that are applicable. Churches should know and understand employment law, have up-to-date employment policies and a commitment to fair employment. By doing this, a good working environment will develop and risk of lawsuits will be diminished. No employment program will eliminate all potential lawsuits.

It is recommended that an employee handbook predicated on federal, state and local laws be prepared and utilized by the districts and congregations. The Employment Resource Manual for Congregations and Districts was prepared to provide a model to assist in the process. When finalized all rules and regulations that are contained in the handbook should be followed and enforced equally and equitably for all employees. When viewing a handbook, it could be utilized as though it was an "implied contract." Therefore, the employment-at-will doctrine (reduce staff at will) may not apply if policies are not properly written.

A. AUTHORITY

In order to provide the necessary authority and to provide clean lines of communication within the congregation/district, it is important that an individual, board or committee be identified as having responsibility for the oversight of the management of and definition of personnel issues and policies established and followed within the congregation/district.

B. SCOPE OF RESPONSIBILITIES

The individual/board/committee responsible for personnel should serve as a resource for interpreting policy and for providing direction to the Human Resources administration. The committee is responsible to assure appropriate policies, procedures, and systems for a caring environment are in place for church workers.

C. RIGHTS OF EMPLOYEES

All employees should be made aware that their views and input will be respected and considered; however, rights or privileges which accrue by reason of the congregation's/district's personnel policies shall not in any way limit or restrict the authority of the congregation/district to amend, correct, add to, or delete from the personnel policies and their equitable application.

D. COMMUNICATION OF POLICY

The 2010 edition of the Handbook of The Lutheran Church—Missouri Synod which sets forth the constitution and by-laws of The Lutheran Church—Missouri Synod and the Congregation/District Employee Handbook should serve as the official communication vehicles which outline for employees the policies related to Human Resources. All employees should receive or be given access to an Employee Handbook at the time of employment. The individual/board or committee should update the Employee Handbook as required. It should be made clear that it is the responsibility of employees to keep their handbooks up-to-date as policies are changed, deleted, or added when changes are distributed.

FEDERAL EMPLOYMENT LAW

INTRODUCTION

The federal government has passed various laws against discrimination and they have varying effects on churches. The United States Department of Labor and the Equal Employment Opportunity Commission operate web sites designed to assist employers and employees in addressing legal questions related to the workplace. The addresses of the web sites are www.dol.gov and www.eeoc.gov. Following is a review of the federal employment laws and their implications:

Local or state laws may affect implementation of these laws in each state. Each church should determine its situation based on consultation with local legal counsel and relevant state law. This is a general review of federal anti-discrimination laws.

A. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA) **(Applies to employers employing 20 or more employees)**

The act prohibits employers from discriminating on the basis of age against applicants and employees who are age 40 and above. A church is subject to ADEA if it employs 20 or more.

B. AMERICANS WITH DISABILITIES ACT (ADA) **(Applies to private employers employing 15 or more employees)** www.ada.gov

Employment

Title I of the ADA addresses employment discrimination. The law prohibits covered employers from discriminating against a "qualified individual with a disability." The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

A qualified individual with a disability is a person who meets legitimate skill, experience, education or other requirements of an employment position that he/she holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation. If a written job description has been prepared in advance of advertising or interviewing applicants for a job, this will be considered as evidence, although not conclusive evidence, of the essential functions of the job.

An individual is considered to have a "disability" if he/she has "a physical or mental impairment that substantially limits one or more of the major life activities, has a record of such an impairment, or is regarded as having such an impairment." The Act includes a description of a reasonable accommodation by the employer as any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability

to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. The Americans with Disabilities Act was amended effective January 1, 2009. As amended, the consideration of mitigating measures is eliminated and the standard for qualifying as a "person with a disability" is lowered. This amendment makes it easier to bring forth disability claims as a person can be "regarded as" disabled versus being documented as having a disability.

Accommodations

Churches are specifically exempted from the ban on discrimination in public accommodations. Section 307 of the Act specifies that these provisions "do not apply to...religious organizations or entities controlled by religious organizations including places of worship."

The Act specifies that "no individual shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation." Places of public accommodation are defined as including those whose operations "affect commerce." They are specifically defined to include auditoriums or "other places of public gathering," day care centers, and "private schools." Prohibited discrimination includes "a failure to remove architectural barriers, and communication barriers, that are structural in nature, in existing facilities...where such removal is readily achievable..." If removal of a barrier is not readily achievable, then prohibited discrimination includes a failure to make the accommodations available "through alternative methods if such methods are readily achievable." Although churches are specifically exempted from the ban on discrimination in public accommodations, if congregations rent their facilities to an entity that is subject to Title III of the Americans with Disabilities Act, the renter, and not the congregation, must comply with all the requirements of that section of that Act.

Church and school employers should be aware of all applicable rules and regulations as set forth in the Americans with Disability Act. Employers need to understand the legal restrictions about discriminating against disabled individuals. When the rules and regulations are not applicable to a church and/or school, christian care and concern should be exercised by the organization by not discriminating against persons with disabilities and should, where reasonably possible without undue hardship, take the lead in making reasonable accommodations for disabled workers as set forth in the ADA.

C. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) (Applies to employers with 20 or more employees)

This law requires employers to provide the continuation of "group health" insurance coverage for a period of 36 months to employees and possibly their spouses and children who might otherwise lose coverage. The Concordia Plan Services as a "Church Plan" is exempt from COBRA; however they offer a 15 month extension of coverage which they administer for the congregations in the Concordia Health Plan.

If you are not in the Concordia Health Plan, you need to determine whether your health insurance provides the administration for COBRA. If not, it is the responsibility of the employer.

D. EMPLOYEE POLYGRAPH PROTECTION ACT (EPPA)

(Applies to employers involved in interstate commerce: very broadly defined by law)

This law prohibits employers from conducting polygraph tests on applicants and employees except under certain limited situations.

Although it would be unlikely that a congregation would want to routinely use a polygraph test, it may wish to a polygraph in a situation where there is suspicion of theft of some other type of severe misconduct. Any congregation or district wanting to pursue a polygraph test should do so only with counsel and guidance from a knowledgeable attorney.

E. EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)

(Applies to all private employers (one or more employees))

It exempts "Church Plans" which are defined as an employee benefit plan established and maintained by a church or an association or convention of churches that are tax exempt under Internal Revenue Code 501(a).

This law sets the minimum standards that apply to the set-up, administration and continuation of certain benefits.

F. EQUAL PAY ACT (EPA)

(Applies to employers involved in interstate commerce (very broadly defined by law))

The Equal Pay Act requires employers to provide equal pay to male and female employees who are doing equal work. Therefore, if you have two similar positions of responsibility with the same duties and education requirements where one is male and one is female they should be paid equally. Various business reasons can justify a difference if they relate to performance, seniority or other legal reasons to support the difference in pay. The Lily Ledbetter Fair Pay Act (15 employees for sex; 20 employees for age) requires proof that gender pay differences are: related to job performance; not sex-based and; justified by business necessity.

G. FAIR CREDIT REPORTING ACT (FCRA)

(Applies to all private employers with one or more employees)

This law relates to conducting background checks and investigations. When a consumer agency is used, the law requires employers to provide notice and get consent prior to conducting a credit report or other types of background screenings on employees or applicants. A release form meeting this requirement is included in the forms section of this manual.

In addition, the law requires the employer to notify the employee or applicant prior to taking adverse action if taken based upon information received in a report; and sets the standards that an employer must follow to destroy consumer records. Therefore before a decision is made not to hire an individual because of negative information that has been provided, you must provide the applicant or employee with the name of the company that provided the negative information and again give them their rights under the Fair Credit Reporting Act to dispute the findings if they are in error.

H. FAIR LABOR STANDARDS ACT (FLSA)

www.dol.gov

The Fair Labor Standards Act (FLSA) prescribes standards for basic minimum wage, overtime pay, recordkeeping, and child labor.

Employee versus Independent Contractor

A significant component for employers to consider applicability of FLSA to their workers is to determine the “employment relationship” with workers and whether they are defined as employee or independent contractor. An employer has no obligation under FLSA for independent contractors.

There is no single rule or test for determining whether an individual is an independent contractor or an employee for purposes of the FLSA. Consideration is to be given on the total activity or controlling situation. Following are factors that courts have considered significant in determining whether an individual is an independent contractor or an employee:

- The extent to which the services rendered are an integral part of the employer’s business.
- The permanency of the relationship.
- The amount of the alleged contractor’s investment in facilities and equipment.
- The nature and degree of control by the employer.
- The alleged contractor’s opportunities for profit and loss.
- The amount of initiative, judgment, or foresight in open market competition with others required for the success of the claimed independent contractor.
- The degree of independent business organization and operation.

There are certain factors which are immaterial in determining whether there is an employment relationship. Such facts as the place where work is performed, the absence of a formal employment agreement, or whether an alleged independent contractor is licensed by State/local government are not considered to have a bearing on determinations as to whether there is an employment relationship. Additionally, the Supreme Court has held that the time or mode of pay does not control the determination of employee status.

Additionally, once a determination is rendered to distinguish between employee and independent contractor, you should consult the Internal Revenue Code’s definitions relating to the relationship for tax withholding purposes.

As defined by the IRS, as a general rule an “individual is an independent contractor if the payer [employer] has the right to control or direct only the result of the work and not what will be done and how it will be done.” An employee (common-law employee) is, “anyone who performs services for you **and you can control what will be done and how it will be done.**”

Exempt versus Nonexempt Employees

The distinction of an exempt employee is important in that exempt employees are excluded from the minimum wage and overtime provisions of FLSA. Job titles do not determine exempt status. In order for an exemption to apply, an employee’s specific job duties and salary must meet all the requirements of the regulations.

There are four main exemptions under the FLSA and all of the qualifying tests for each exemption must be met.

Exempt Employee	Qualifying Exemption Test
Executive	<ul style="list-style-type: none"> • The employee must be compensated on a <u>salary basis</u> at a rate not less than \$455 per week; • The employee’s primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise; • The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and • The employee must have the authority to hire or fire other employees, or the employee’s suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.
Administrative	<ul style="list-style-type: none"> • The employee must be compensated on a salary or fee basis at a rate not less than \$455 per week; • The employee’s primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers; and • The employee’s primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
Professional	<ul style="list-style-type: none"> • The employee must be compensated on a salary or fee basis at a rate not less than \$455 per week; • The employee’s primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment; • The advanced knowledge must be in a field of science or learning; and • The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.
Outside Sales Employee	<ul style="list-style-type: none"> • The employee’s primary duty must be making sales (as defined in the FLSA), or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and • The employee must be customarily and regularly engaged away from the employer’s place or places of business.

Child Labor Provisions

The FLSA restricts the hours and conditions of employment for minors (children under the age of 18). Employers should obtain an age certificate approved by the Wage and Hour Division of the Department of Labor for all minors.

In general, minors are not allowed to perform tasks that may be detrimental to their health, physical and mental safety.

Age	FLSA Regulations
Under age 14	<ul style="list-style-type: none"> • Prohibited from most non-farm work • May be employed by parents, except in hazardous industries • Certain jobs permitted (for example, actors, newspaper carriers)
Ages 14-15	<ul style="list-style-type: none"> • During school, cannot work more than three hours/day, 18 hours a week • During school vacations
Ages 16-17	<ul style="list-style-type: none"> • Prohibited from working on hazardous jobs • No other restrictions

Minimum Wage

A provision of FLSA is the federal minimum wage. Due to the possible frequent changes to the minimum wage rate, consult the Department of Labor (www.dol.gov) website to obtain the most current information. In cases where Federal and State law have different minimum wage rates, the higher standard applies.

Overtime Pay

All nonexempt employees covered by FLSA must receive overtime pay for hours worked in excess of 40 hours in a workweek of at least one and one-half times their regular rate of pay. The regular rate of pay includes basic pay plus non-discretionary bonuses, shift premiums, production bonuses, and commissions. It does not include other supplemental earnings such as discretionary bonuses, employers' contributions to benefit plans, pay for time not worked, or small (\$25 or less) non-cash gifts. (Check with your appropriate state agency for applicable state laws regarding overtime pay.)

The FLSA requires that overtime be paid on hours worked, not time compensated. Therefore, no overtime needs to be paid on sick, personal, holiday, or vacation pay or other pay for time not worked.

- **Workweek**
A workweek is any fixed, recurring period of 168 consecutive hours (7 days x 24 hours). A workweek can begin on any day of the week, but it must be consistent.
- **Compensatory Time in Lieu of Overtime**
Compensatory time for nonexempt employees is not allowed in the private sector.

School Teachers: Parochial school teachers are typically exempt employees, therefore overtime pay for out-of-classroom extra-curricular activities is not required.

Preschool Teachers: Unless the preschool teacher is supervising an assistant teacher or classroom aide, they are non-exempt, and therefore, must be paid overtime for out-of-classroom extra-curricular activities that exceed the normal overtime requirements according to state and federal laws. If they attend a mandatory meeting or take work home, they must be paid for that time.

On-call/standby time

If the employee's time is restricted and personal business is not allowed, the hours are counted as time worked. When an employee is off the premises and on call (near a phone or wearing a beeper), the key is the restriction of the employee's freedom.

Preparatory/concluding activities

Activities that are done prior to and post job assignments are considered time worked if they are done for the benefit of the employer. (Deliveries, cleaning equipment)

Waiting time

An employee does not have to be paid for the time spent waiting for the work shift to begin provided no work is being done. Payment is made however, if the employee's shift has begun but no work is available.

Meals and breaks

Employers are not required by federal law to provide meal or rest breaks, but state law may require such breaks. When breaks are given, if they are 5 to 20 minutes they are considered time worked under federal law. Provided the employee is completely relieved of his or her job duties, meal periods of 30 minutes or longer are not considered as time worked under federal law, unless the employee is prohibited from leaving his or her job post.

Travel time

Commute time is normally not considered work time unless the employee is responding to a work need beyond their regular hours from home or transporting necessary work equipment to and from a work site.

Travel during work time from one location to another or to a meeting is considered time worked.

Travel out of town in the course of a workday is work time. An employee who travels away from home overnight is not considered working in off-hours or while a passenger on a plane, train, etc. if the travel is done outside of regular work hours. Travel time on weekends that falls within the normal daily work hours is considered time worked.

Training time

Training is normally considered work time unless the following four conditions are met:

- Attendance if voluntary.
- Attendance is outside the normal working hours.
- The event is not directly job related.
- The employee performs no productive work during this period.

I. FAMILY AND MEDICAL LEAVE ACT (FMLA)

(Applies to employers employing 50 or more employees.)

(www.dol.gov)

The act requires certain employers to provide up to twelve weeks of unpaid leave to eligible employees because of the birth or adoption of a child or because of a serious health condition of the employee or the employee's child, parent or spouse. In addition, the Act permits leave up to 26 weeks to care for a covered service member or veteran with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member. It is recommended that the employer review the required information that must be provided to an employee.

The law does not specifically exempt churches from coverage; however, it applies to employers with 50 or more employees within a 75 mile radius and to schools regardless of the number of employees.

New FMLA regulations were effective 01/06/2009 which includes:

- Certification / Employee Notice Rules
- Employer rights to verify need for leave
- Changes to rules for award/bonuses
- Expansion of FMLA to provide family military leave (active duty leave and military caregiver leave)

This law was passed to strengthen the family and provide medical leave. Voluntary compliance with the spirit of

the act whenever possible and practical by the church will demonstrate good christian characteristics. Organizations that are not covered by the FMLA should develop leave of absence policies that provide unpaid leave under similar circumstances. As the FMLA has numerous requirements, it is suggested that if the organization is not subject to the FMLA, the organization should adopt policies that provide leave under similar circumstances but does not require the strict compliance with the FMLA requirements.

J. GENETIC INFORMATION AND NON-DISCRIMINATION ACT (GINA)
(Applies to employers having 15 or more persons employed)

This law became effective November, 2009 and prohibits discrimination based on genetic information. Employers cannot use genetic information in making employment decisions and cannot ask for genetic information (i.e. family history.)

K. IMMIGRATION REFORM AND CONTROL ACT (IRCA)
(Applies to employers having one or more persons employed)

The law states that it is unlawful for a person or entity to hire or recruit an unauthorized alien. Furthermore, it is unlawful for an employer to continue to employ an alien when the employer knows the alien is or has become unauthorized.

This law requires a congregation to collect I-9 Forms from new employees. The I-9 shows evidence of the congregation's effort to inspect and verify documentation demonstrating the person is eligible for employment in the U.S.

A sample I-9 is included in Chapter 10, Sample Forms.

L. NATIONAL LABOR RELATIONS ACT (NLRA)
(Applies to employers involved in interstate commerce)

The law regulates the relationship between employers and unions. It restricts employers and unions from engaging in unfair labor practices and protects employees who participate in concerted activities to improve working conditions, whether or not the workplace is union.

M. NEW HIRE REPORTING

The requirements for reporting new hires are a part of the federal welfare reform legislation called the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). A major focus of PRWORA is to help child support officials track down absent parents in order to collect child support payments.

As an employer you must report information on newly-hired employees to a designated state agency shortly after the date of hire. The time frame for reporting will be specified by the state in which you reside.

On all newly hired individuals, the following information is to be provided to the state agency assigned:

Reporting Employer's Information:

Name
Address
Federal Employer Identification Number

Newly Hired Employee Information:

Name
Address
Social Security Number
Date of Hire

Contact the state agency within your state to determine their requirements for acceptable methods of reporting.

N. OLDER WORKERS BENEFIT PROTECTION ACT (OWBPA)

(Applies to employers with 15 or more employees)

Protects older workers from age discrimination related to the provision of benefits. It established the criteria to be used in determining whether equal benefits have been provided and requires employers to meet certain wording requirements in establishing waivers for the right to sue for age discrimination.

O. PREGNANCY RECONCILIATION ACT OF 1978 (PRWORA)

This act is an amendment to Title VII of the Civil Rights Act of 1964. It prohibits disparate treatment of pregnant individuals in all areas of employment.

The basic principle of the Act is that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work. A woman is therefore protected against such practices as being fired, or refused a job or promotion, merely because she is pregnant.

In the area of fringe benefits, such as disability benefits, sick leave and health insurance, the same principle applies. A woman unable to work for pregnancy-related reasons is entitled to disability benefits or sick leave on the same basis as employees unable to work for other medical reasons.

Employers should be aware of an employee's right to take leave under the Family and Medical Leave Act which applies to the birth of a child, among other situations.

Employers should also abide by health care legislation which amended FLSA in March, 2010 and requires employers to provide "reasonable" unpaid breaks to nursing mothers to express milk for their infants.

P. THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)

The Occupational Safety and Health Act (OSHA) protects workers from unsafe conditions in the workplace. OSHA applies to "employers" engaged in a business affecting commerce that has employees.

According to federal regulations, churches are subject to OSHA when they "employ one or more persons in secular activities." Any person who performs or participates in religious services is not considered to be covered under OSHA while performing or participating in religious services.

Churches should be aware that if an employee complains about unsafe work conditions at a church, an OSHA inspection could follow. Unsafe conditions inside church buildings and on church grounds can lead to lawsuits not only from employees, but also from church members and other people who visit the premises.

Q. TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VII)
(Applies to employers employing 15 or more employees)

Title VII applies to employers with 15 or more employees in each working day in (20) or more calendar weeks in the current or preceding calendar year. However, churches are exempt by statute from certain discrimination laws with respect to hiring based on religion. Further, the law provides a ministerial exception that prohibits ordained and commissioned ministers and possibly other church workers who fall within the ministerial exception, as governed by federal law, from making claims under the employment discrimination laws.

Churches are not specifically exempt by statute (except with respect to religious discrimination defined later). However, Title VII only applies to employers with 15 or more employees in each working day in twenty (20) or more calendar weeks in the current or preceding calendar year. Nevertheless, it would be beneficial to the LCMS ministry if all our churches, including those not required, would comply with this law whenever possible.

The church may discriminate with respect to religious preference in hiring since the law grants this broad exception to them. They can also discriminate based on sex with respect to employment of ordained ministers. These exemptions also apply to most church schools, because most church schools clearly and pervasively are religious institutions and many also are not separately incorporated from the church. The church must have a clear hiring policy and enforce it unilaterally (to discriminate on these bases or not at hiring). The church may wish to discriminate with respect to religion to ensure employees reflect their religious teachings and beliefs.

The church needs to be aware and understand that any type of discriminatory (under Title VII, the ADA and ADEA) harassment is prohibited.

Sexual Harassment

Sexual harassment is often difficult to define. The following is for guidance and is not intended as the sole definition of the term. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- the harassment has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

The employer may want to print the definition in their employee handbook.

If the alleged harassment involves a rostered or appointed employee, contact should be made immediately with the district president.

R. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
(Applies to all private employers with one or more employees)

This law prohibits discrimination against applicants or employees who serve in the military. It also requires employers to reinstate employment for up to five years for employees who serve in the armed services and

continue uninterrupted their benefits and seniority and prohibits firing, (except for cause) after return from the service for a period of one year.

This law protects the rights of individuals who are in the military and called to duty either active or reserved and are released with an honorable discharge. It mandates that the employer provide them with the time off, up to five years, to meet their obligations without adverse treatment. It requires the employer to keep their benefits in tact as if they had not been absent from the workforce. The employee would also accrue vacation time for that period so that when he/she returns, they are eligible to take a vacation. Therefore, all benefits accrued during the time of service are to be applied upon the return of the individual to work following their release from duty. (An example would be that if a three percent increase in pay was given to employees during an employee's absence due to military service, he/she would be paid their former salary increased by 3 percent).

There are also obligations for the employer to reinstate the employee after return from service at the same or equal positions they were in prior to military service. The obligation on the employee is that they must return to work within specific time frames.

For those employees on leave for 30 or fewer days – they must report back on the first scheduled workday following their release

For employees on leave more than 30 days but less than 181 days – they must submit an application for reemployment no later than 14 days after completing service.

For employees on leave for longer than 181 days – they must submit a written or oral application for reemployment no later than 90 days after their period of service is complete.

Employees who were injured or became ill during their military service – must report to the employer or submit an application for reemployment once they have recovered. (This must be no longer than two years)

S. WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)
(Applies to employers with 100 or more employees)

Requires a sixty day notice to be given to employees who will be losing their employment due to large layoffs or a plant closing with few exceptions.

NEW HIRE PROCESS

INTRODUCTION

Finding and retaining capable and skilled workers for the church is extremely important to all areas of service within the congregation or district. Each worker should be selected on the basis of whether they are qualified, honest, skilled and motivated by a desire to serve the church.

Unfortunately, even in the church, we become targets of lawsuits for negligent hiring if a worker commits a wrongful act. Also, discharged employees who feel wronged, sometimes bring lawsuits for wrongful discharge. Thus it is imperative that the employer operates within legal requirements and exercise diligence under guidance of the Holy Spirit in the selection of all workers.

A. SELECTION PROCESS

The selection process should be done in accordance with applicable federal and state employment laws. Staffing should be done with the knowledge that The Lutheran Church—Missouri Synod and its entities are exempt from the provision of the Civil Rights Act of 1964 which prohibits discrimination based upon religion, and therefore the congregation/district retains the right under federal law to show preference in hiring persons who are members in good standing of a congregation of the Synod for all job positions. While most state laws exempt religious corporations from the prohibition on religious discrimination, some states limit the exemption to job positions for which religion is a bona-fide occupational qualification, such as the pastor or a teacher.

B. POSITION DESCRIPTION

It is recommended that written job descriptions be on file for each position filled. These job descriptions should be as detailed and accurate including all essential functions. When developing job descriptions, you should be aware that the Americans with Disabilities Act may be applied to positions based on the job descriptions for the positions.

Prior to proceeding with the selection of staff, a position description should be written and approved. The position description should be used as the basis for establishing the appropriate hiring criteria.

A position description is a useful tool for the congregation/district as well as for the employee. The position description provides the title of the position, to whom the position reports (is accountable), provides a summary of the job duties, and indicates the qualifications necessary for success. A well-defined position can build successful working relationships where the expectations are clearly spelled out for the employee and the performance of the individual can be measured against the position description. Sample position descriptions are included in Chapter 10, Sample Forms.

C. CALLS/APPOINTMENTS

Calling Ministers of Religion

Only Ministers of Religion – Ordained (Pastors) or Commissioned (Teachers, Directors of Christian Education (DCE), Directors of Christian Outreach (DCO), Directors of Parish Music, Deaconesses, Parish Assistants and Certified Lay Ministers) on the roster of Synod are eligible for a call or appointment. These individuals only achieve eligibility for a Call through completion of a prescribed course of study and diploma from a Synod institution or fulfilled requisites of a colloquy program. (See *Synod Handbook*). This has implication for the employing congregation or eligibility for housing allowance and withholding employee taxes.

The Call Committee elected to represent the congregation requests nominations from congregants and names of qualified candidates from the District President. The District President's office provides Personal Information Forms (PIF) for all candidates. The selection process is prescribed by The Synod Handbook.

The same process is followed for Ministers of Religion – Ordained (Pastors) or Commissioned (Teachers, Directors of Christian Education (DCE), Directors of Christian Outreach (DCO), Directors of Parish Music, Deaconesses, Parish Assistants and Certified Lay Ministers) with information generally provided by congregants and the District President or appropriate District Program Executive.

The decision to Call is only made by the Voters Assembly/Congregational Assembly and is never delegated to a smaller body; however often a Call committee makes recommendations to the Calling body. For information about the Call and its practical application contact your district office.

D. RECRUITMENT

In selection of lay members (non-Ministers of Religion) or ministers as defined by federal law, under federal law churches are held to the same standards as secular employers, with the exception that we may give hiring preference to members of The Lutheran Church—Missouri Synod with respect to any aspect of employment. The employer is urged to use the Model Employment Application Form which states this hiring preference as part of the employee selection process (See Chapter 10, Sample Forms).

In instances where it is necessary to recruit to fill a particular position, caution should be used in advertising for the open position. No reference should be made in reference to the protected categories of Title VII of the Civil Rights Act. It is recommended all job postings summarize the essential functions of the position as well as provide an outline of the required qualifications.

E. APPLICATION

All applicants should complete and sign a detailed application form (please refer to the sample application form in Chapter 10, Sample Forms) prior to the interview. This form will provide the interviewer with information about the applicant's employment history and can also be valuable in providing a wealth of additional information. In addition, the application can provide a commitment by the applicant to live in accordance with the moral standards of The Lutheran Church—Missouri Synod and give the required consent for the employer to conduct the necessary reference and background checks prior to extending a job offer. The Fair Credit Reporting Act requires that specific notice be provided to an applicant for employment before a background check may be conducted on

the applicant by a consumer reporting (i.e. credit) agency. The notice must contain certain language, and must be set forth on a separate sheet.

F. INTERVIEWING

The application and personal interview is by far the most used tool in selecting new workers. However, you should be aware there are federal and state laws that limit your conduct during this process unless a religious exemption and/or ministerial exception apply.

- Under the Americans with Disabilities Act (ADA) you may not ask if a person has any disabilities or a disability that would affect job performance. You must make reasonable accommodation to a disabled person in the application interview and testing process. This may mean holding interviews in a wheelchair accessible area or providing written questions to a hearing impaired person.
- You may not ask about prior Worker's Compensation Claims.
- The questions asked on the application or in the interview are presumed to be the basis of the hiring decision. Therefore, as a general rule, congregations should avoid inquiries that identify the applicant's age, sex, disability or ethnicity. Congregations need to be aware that, in certain situations, these questions may violate federal, state, or local anti-discrimination laws. The best policy is to ask only questions justified by business necessity.
- According to EEOC guidelines, the following are examples of questions you can and cannot ask during an employment interview.

APPROPRIATE QUESTIONS

Can you meet the attendance requirements of this job?

Can you perform this job with or without reasonable accommodation?

Do you have the required licenses to perform this job?

ILLEGAL QUESTIONS

Do you need reasonable accommodation to perform this job?

Do you have a disability that would interfere with your ability to perform this job?

How many days were you sick last year?

Have you ever filed for workers' compensation?

G. PRE-EMPLOYMENT TESTS

Performance or aptitude tests are designed to identify candidates most likely to succeed with skills required for a particular job. These tests are legal if they do not screen out individuals in protected groups as demonstrated through a legal validation of the instrument, i.e., females, minorities or individuals with a disability, in greater proportion than, for example, white males. Personality tests should not be used for pre-employment screenings. Again, this exempts those positions in the church where LCMS teachings prescribe eligible candidates.

H. MEDICAL EXAMINATIONS

Although few congregations/districts will ask prospective employees to submit to a physical, you should be aware of the limitations on their use. Applicable laws are the ADA and various state laws. These laws may prohibit discrimination on the basis of a disability which may include conditions such as AIDS, cancer, epilepsy, diabetes, sensitivity to tobacco smoke, back injuries, mental illness and alcoholism.

A significant requirement under ADA is that medical examinations only be given after an offer of employment is made.

I. LIABILITY FOR NEGLIGENT HIRING

Lawsuits against employers by third parties (employees, members of the congregation/district or nonmembers) may be filed for negligence in hiring an employee who is dangerous and caused injury to such third party. These suits will allege the congregation/district failed to adequately screen the employee in the hiring process. An equally serious need for background checks involves hiring workers who will be around children assuring there have been no charges of child molestation. Congregations should check state law for requirements that may be applicable to workers who will be around children.

J. REFERENCE AND BACKGROUND CHECKS

Employment references can be difficult to get because most employers follow a standard neutral reference policy. The church, however, has a responsibility to provide sufficient proof that reasonable steps were taken to determine that a person employed is not known to or pose a threat to others. To insure this, references should be checked after the best candidate is identified but prior to extending an offer of employment. All references should be documented to support the church's defense that precautions were taken in this regard.

Many states have enacted laws that specifically prohibit an employer from obtaining and using credit information except in limited circumstances. State law should be reviewed prior to requesting any background check. The following criteria may serve as a guide in determining the type of background checks to do:

- Reference checks (verification of performance and prior job related information) should be done on all employees. Such reference checks should consist of contacting at least two personal references and at least one prior employer (if applicable).
- Positions that require an individual to operate a vehicle, either owned or leased by the congregation or district should include investigation of the applicant's driving record.
- Positions that require an individual to represent the congregation or district in an activity that calls for access to members' financial information (e.g., fundraisers, treasurers, assistant treasurers, etc.) should include a background check and an investigation of the applicant's credit history.
- Positions that require an individual to represent the congregation/district through visits to members in their homes should include a criminal investigation of the applicant.
- Positions that require regular access to or control of the congregation's/district's assets, such as cash, equipment, and/or investments that exceed \$5,000 should include investigation of the applicant's credit history.

Information obtained from such reference and/or background checks should be maintained strictly confidential as a part of the applicant's personnel file or in a confidential file created to document the filling of the position.

The employer may be liable for the actions of volunteers, therefore; it is recommended background checks are completed on volunteers.

Please refer to the LCMS National Contract Program for discounted providers of background checks and additional information.

COMPENSATION AND BENEFITS

INTRODUCTION

Compensation consists of both salary and benefits. The compensation paid to an individual should normally reflect the value of the position's responsibilities. It should also be comparable to what others within the local area are earning for a similar type of work. However, compensation can be very complex. It is also tied to what a congregation/district is capable of and willing to pay for the work to be done.

A. SALARIES

For called and/or appointed church workers, your district may have in place District Salary Guidelines to assist in determining reasonable pay for these workers. These guidelines normally take into consideration the education and experience of the person, as well as the geographical location. For non-called/non-appointed workers that are in business related positions the local labor market is a reasonable place to focus in determining what the local rate of pay is for similar positions.

In establishing the wage and salary guidelines, the desire to retain and attract employees, and applicable federal and state laws effecting not-for-profit agencies must be considered. Marital status, gender, age, or perceived financial need should not be considered when establishing employee compensation or when determining subsequent wage/salary increases.

The appropriate congregation committee is encouraged to consider cost-of-living increases which may affect all positions and establish parameters within which merit increases may be granted for each position to the extent that funds are available.

Merit increases should be granted on the basis of clear objective guidelines based on performance evaluations or other criteria for each position.

B. BENEFITS

The information below concerning group employee benefit plans pertains specifically to the Concordia Plan Services since these are the benefit programs established by The Lutheran Church—Missouri Synod for its congregations, schools, and other employers.

If your congregation is participating in the Concordia Retirement Plan and the Concordia Disability and Survivor Plan, enrollment of regular full-time and regular part-time employees is required. The cost of these two plans is paid by the congregation.

If your congregation is participating in the Concordia Health Plan, enrollment must be offered to all regular full-time and regular part-time employees as determined by the congregation. Regarding payment of premiums, the congregation's policy must be applied on a uniform and nondiscriminatory basis to all employees.

In addition to the benefits provided through Concordia Plan Services, the congregation/district should establish policies which define the other benefits provided to its workers such as vacation, leave, continuing education, recognized holidays etc.

Employees Ineligible for Benefits

It is suggested employees sign a statement recognizing they are part-time and/or temporary, and therefore not entitled to benefits. (See sample form in Chapter 10 of this manual)

Flexible Spending Accounts

If the employee pays for health coverage, you may want to set up a Cafeteria Plan so that the money can be deducted from the employee's paycheck before taxes are withheld. This reduces the employee's wages reportable for income tax and Social Security/Medicare taxes. For information about a Cafeteria Plan, contact [Concordia Plan Services](#).

PAYROLL

(Reference Chapter 3 of Congregational Treasurer's Manual)

A. PAYROLL WITHHOLDINGS

Employees who are not Ministers of the Gospel for tax purposes must have various deductions taken from their pay. These deductions include federal and state income taxes and Social Security and Medicare taxes. The Internal Revenue Service and each state Department of Revenue publish withholding tables at least annually based on personal earnings and the number of exemptions claimed by each worker to satisfy income tax withholding requirements. The worker, by use of the W-4 Form (and/or appropriate state form), states the number of exemptions claimed and any additional dollars wished withheld beyond the amount indicated in the tax withholding tables. The amounts withheld for Social Security and Medicare taxes are at a fixed percentage of earnings.

Remitting to Various Governments

After making these deductions from an employee's paycheck, the congregation is responsible for reporting and remitting these dollars to the appropriate government agency. **Congregational officers can be held personally liable if these dollars are not remitted in a timely manner.** Dollars withheld for federal income tax, Social Security and Medicare purposes must be remitted on a monthly or other basis depending on dollars withheld and 941 reports are to be sent in quarterly. The Internal Revenue Service routinely sends reports to all employers explaining withholding requirements as it relates to their specific situation. Some state and local governments also require reports and remittances on a regular basis. Exact requirements vary from state to state and locality to locality. Your LCMS District Office will be able to tell you the requirements for your state, as published in The Congregational Treasurer's Manual. You should also check for any city/county withholding requirements.

Ministers Not Subject to Withholding

Ministers of the Gospel are not subject to involuntary tax withholdings from their pay. Ministers may elect, and if agreed to by the congregation, have deductions for federal income and/or state income taxes taken from their pay. If voluntary withholding is requested, be sure that all of these withholdings are reported as income tax withholdings and not as Social Security or Medicare tax withholdings. The Minister may use these withholdings to satisfy his/her SECA (Social Security and Medicare for the self-employed Minister of the Gospel) tax obligation. However, the congregation should never report them as social security withholdings.

Garnishment

Garnishments are court ordered repayments of financial obligations by an individual. When so ordered, the employer must deduct the amount from the employees' pay and remit it to the designated entity. If this arises the treasurer should consult with the court in order to compute the dollar amount, if not stated in the court order, which can be legally withheld from the pay of the garnished worker. The worker should be immediately notified of the garnishment and the date on which the deduction will begin.

Other Payroll Deductions

Other payroll deductions are strictly voluntary and must be requested in writing by the employee. By providing these deductions, the congregation provides its workers with the opportunity to save dollars for their future and,

for some types of deductions, to experience current tax savings not permitted through non-payroll deducted savings plans.

Voluntary deductions may include: All-Cause Accident Insurance through Concordia Plan Services; Church Extension Fund Payroll Savings, Concordia Retirement Savings Plan (CRSP), other Tax Sheltered Annuities (TSA) and Flexible Spending Arrangements.

Voluntary deductions should be made for “all” employees requesting them. For instance, a congregation cannot make a TSA deduction for the minister and tell the janitor that it will not make a similar deduction.

Pay for Overtime

Employers should insure that employees work only scheduled hours. Non-exempt employees who routinely work additional hours seemingly in a volunteer status may be legally eligible for overtime pay or other benefits.

The appropriate church body should review state law to determine if time off in lieu of overtime may be provided in the same work week.

Church Council should determine if compensation time (comp time) is legal in their state.

PERSONNEL FILES/RECORD RETENTION

A. POSTING REQUIREMENTS

Many of the federal and state statutes regulating the employee/employer relationship require employers to post notices advising employees of various employment rights. The failure to comply with these requirements can have significant consequences including being foreclosed from asserting certain defenses to employment claims. Additionally, noncompliance may result in the assessment of monetary penalties.

For information regarding your congregation’s or district’s posting requirements reference www.dol.gov.

B. RECORD RETENTION

Even if a record retention requirement listed below is not applicable to your church (due to the number of the church’s employees), state law should be checked for a similar requirement that may be applicable. If there is a question regarding the length of time to maintain records, it is recommended to follow the longer retention period of the two different statutes.

Statutes	Types of Records	Retention Period
<p>Age Discrimination in Employment Act (Applicable to employers of 20 or more employees.)</p>	<p>Payroll or other records containing name, address, birth date, occupation, pay rate and weekly compensation</p> <p>Any personnel records regarding:</p> <ul style="list-style-type: none"> • Hiring, including job applications, resumes, job inquires, and records of refusal to hire • Promotion, demotion, transfer, selection for training, layoff recall, or discharge • Job orders provided to employment agencies for recruitment of employees • Test papers and results from employment tests • Job advertisements and notices to public regarding job openings, training programs, promotions and opportunities for overtime • Employee benefit plans, seniority and merit systems <p>In action brought against employer, any personnel records concerning employee, or applicant</p>	<p>Three years</p> <p>One year from date of personnel action</p> <p>Duration of plan plus one year</p> <p>Until final disposition</p>

Statutes	Types of Records	Retention Period
Family and Medical Leave Act (Applicable to employers of 50 or more employees and separately incorporated elementary and secondary schools.)	Records pertaining to compliance	Three years
Immigration Reform and Control Act (Applicable to all employers)	INS Form I-9	Three years after date of hire or one year after termination, whichever is later
Title VII and ADA (Applicable to employers of 15 or more employees)	All personnel or employment records including application forms; resumes other hiring records; records regarding promotion, demotion, transfer, layoff, discharge, pay rates or other compensation Terms and requests for reasonable accommodations Personnel records concerning any discrimination charge brought by any agency or individual (e.g. records about charging party and all other employees holding similar positions application forms, or test papers completed by all applicants for same position.)	One year from personnel action, or until final disposition if charge brought.
Internal Revenue Code (Applicable to all employers that withhold taxes)	Records pertaining to income tax, Social Security, and Medicare tax withheld	Four years
Fair Labor Standards Act including the Equal Pay Act (Applicable to most employers)	Payroll records, individual contracts Basic employment and earning records including deductions from pay to include W-2 and deduction reports	Three years Two Years

In the same manner that certain records must be maintained, there is also the obligation to not knowingly destroy or alter documents with the intent to obstruct the investigation of any matter within the jurisdiction of the Department of Justice, the Department of Labor, the Equal Employment Opportunity Commission and any other governmental agency conducting an investigation.

C. PERSONNEL FILES

The employer should maintain accurate and complete employment records on all nonexempt, exempt, rostered, contracted, full-time and part-time employees. These records remain the property of the employer. These documents exist to allow accurate retention of information for all who serve the employer. The employer may (but need not, except as required by state law) permit the employee to review their personnel records upon request, but the employee need not be allowed to copy documents in the file unless state law requires. The contents of personnel records are considered confidential and access to them is limited to those directly involved in the supervision and/or retention of the employee. An individual should be named as the custodian of all personnel records and as such must insure they are kept confidential. It is recommended the custodian be the most senior staff person or his assigned designee to assume the role of custodian of personnel records.

Personnel records may contain the following:

- Employment Application – A completed and signed employment application is required and becomes a permanent part of the employee's personnel file. For rostered and contracted workers the Synod Pastor's Information Form (PIF) or Lutheran Educators Biographical Record (LEBR) form is acceptable. A resume for a worker not on Synod's Roster should not be substituted for an employment application.
- Documentation of Qualifications – This would include, but not limited to, educational background, volunteer and work experience, professional licenses, etc. Any information obtained from references with the promise of confidentiality will be filed separately and remain confidential.
- Documentation of Administrative Actions – Should any employee be involved in any action contrary to the standards and policies of the congregation, the incident will be reviewed thoroughly. A report of the incident and any administrative action taken should be filed in the employee's personnel file when appropriate disciplinary action requires. However, documents pertaining to a harassment complaint should be maintained in a separate file.
- Performance Evaluations – Any review of an employee's performance as well as efforts to remediate substandard performance or praise for projects of outstanding excellence should be filed. These documents should be signed by the supervisor and the employee and dated.
- Form I-9 (Must be kept in separate file.) – This form documents that the employee may legally work in the United States. This form is required to fully comply with the regulations of the Immigration Reform and Control Act of 1986 enforced by the Immigration and Naturalization Service. For employees hired after May 31, 1987, this form must be completed within three business days of the date of hire. To be properly completed, the employer must establish both the identity and eligibility to work in the U.S. of the employee. This is done by checking at least two documents prescribed by the Act of 1986 as listed on the I-9 form (available on-line at www.immigration.gov).
- Salary – Current wage/salary, benefits, attendance, and vacation records should also be maintained. These should begin at the time of hire and be kept continuous throughout the employment (See Congregational Treasurer's Manual, Sections 7.115 and 17.215.) It is not ethical or legal to attempt to reconstruct these records at the time a need for them arises. This information normally is maintained within the payroll records of the organization.
- For childcare workers, criminal background checks and screening for crimes that have involved children should be made. These checks should be very thorough, following applicable laws and rules of inquiry.
- Unless payroll records are maintained separately, pay information including rates, deductions, W-4 forms, etc., should be maintained in the personnel folder.
- Note: Medical records including disability information specifying diagnosis should not be included in an employee's personnel file but rather in a separate confidential file that meets HIPPA requirements.

Employment Information/History

Any change involving salary and/or benefits, work schedule, or responsibilities should be included in the personnel folder and a copy supplied to the employee.

CTX Human Resources File Retention Schedule

updated: 5/26/2010

Type Of File	Contents/Comments	Lead	Retention
Personnel	Initial Hire/Termination documents Documentation related to employment actions (promotion/demotion/pay change/job change) Documentation related to job performance Miscellaneous; 403(b); Changes of Address/Phone (copy of email or note, etc.) Acknowledgement of Receipt of Policies (not orientation) Training Acknowledgements; Release and Consent Forms of Any Kind	HR Specialist /Benefits	7 years from termination of employment as stated in HRIS
EXCEPTION:	Where a charge or lawsuit is filed, all records kept until final disposition.	HR Director	
Medical	Benefit Enrollment forms (medically-related; no 403(b)) CPS Worker Add/Term/Change reports FMLA Leave documentation; STD claims; doctor's notes	HR Specialist /Benefits	7 years from termination of employment as stated in HRIS
EXCEPTION:	Where a charge or lawsuit is filed, all records kept until final disposition.	HR Director	
Worker's Comp Claim	Individual employee file for approved and denied claims	HR Specialist /Benefits	10 years from the close of the claim
EXCEPTION:	Where a charge or lawsuit is filed, all records kept until final disposition.	HR Director	
I-9 Forms	HR Employment Specialist keeps in separate file and maintains shredding schedule	HR Specialist /Employment	3 years after date of hire or 1 year after date of term, whichever is later
Applications (no hire); Resumes	Refers to applications/resumes in response to advertised position	HR Specialist /Employment	1 year after position filled
Background Checks	*Archived electronically	HR Specialist /Employment	7 years via outsourced company

D. ATTENDANCE RECORDS

Attendance records should be maintained in the individual's personnel file. For hourly employees, absences and tardiness will also be reflected in their payroll records.

A record of tardy and absences should be maintained for each employee and kept in their personnel file. A written record of these occurrences is necessary for either rewarding faithful attendance, keeping track of time used for reimbursement of unused sick days if this is the employer's policy, in the case of a lengthy employee illness to justify and coordinate any disability payments, or in disciplining an employee because of non-compelling reasons for absences and/or tardiness.

Employees should be encouraged to utilize earned paid time off and not to report to work when their illness will interfere with their productivity or become a threat to coworkers or students.

All employees, congregational officers, and members should be aware that some jobs/positions require irregular hours. Employers should establish parameters in which their employees (including rostered and contracted workers) may operate in response to activities that require long, irregular hours.

Time Records

Maintaining timesheets for your employees, especially if you have only one or two employees, may seem unnecessary. However, they are invaluable for settling disputes concerning pay, vacation, or sick day use. They also provide documentation that your employees are actually present during the hours for which they are paid.

Position descriptions of nonexempt employees should have a stated maximum number of hours that can be worked per week or pay period. This is especially important for part-time employees so that the employer does not become obligated to provide benefits not intended to be provided.

Where practical, nonexempt employees should be required to sign in and out each day according to the following guidelines:

- + *SIGN IN when reporting to work at the beginning of the day;*
- + *SIGN OUT when leaving for a scheduled meal period;*
- + *SIGN IN when returning to work after a scheduled meal period;*
- + *SIGN OUT when leaving work at the end of the day.*

An employee should not sign in until they are ready to begin work. Employees should not mark or sign the time record of another employee or knowingly allow someone else to mark or sign their time record.

PERFORMANCE MANAGEMENT

A. PERFORMANCE REVIEWS

Every employee should undergo an annual performance evaluation. The complexity and formality of the evaluation may depend on the size and needs of the employer. The evaluation is a medium by which feedback is given on how an individual has carried out the responsibilities that they have been assigned and to set goals for the future. It is not something that should be done only when there are performance problems. It is a tool for communication and, in most cases, if communication occurs early most issues can be prevented.

The performance review is not a mechanism that must accompany a pay raise. A performance review needs to be conducted regularly regardless of whether an individual's compensation is being reviewed. However, the performance review can and should be a tool for the employer to use in making fair decisions regarding salary increases.

A sample performance review is available in Chapter 10, Sample Forms. The form itself is simply a guide and needs to address the responsibilities of the position and the communicated expectations of the congregation. The utensil used for evaluation is only as good as the feedback it provides and the exchange of communication that occurs during the evaluation process.

When doing performance evaluations, you are encouraged to be objective and accurate in your evaluation. Giving comments that are more favorable than accurate may result in difficulty later should the employer decide to terminate the employee.

B. TRAINING

It is important that employees receive the training necessary to meet the responsibilities of their positions. Training is not only a benefit to the employee but is also a benefit to the congregation/district. A discussion regarding training needs should take place during the annual performance review process. If training is provided, it should be provided based upon business needs and should not reflect intentional or unintentional discrimination. Non-exempt employees must be compensated for training if it is required or benefits the employer.

C. DISCIPLINING EMPLOYEES

If after verbal counseling no improvement is made by the employee, a written warning may be issued and consideration may be given to placing the employee on probation. If there continues to be performance or behavior problems the ultimate resolution may be termination of employment. Supervisors should document all efforts of verbal discipline to support their effort in correcting the situation. A sample of a written warning is available in Chapter 10, Sample Forms. Methods of discipline such as suspension, probation, or termination should be considered only after suitable efforts have been made to provide the employee an opportunity to correct their performance or behavior, except with severe performance or behavior issues (in which case such methods can be used immediately).

When applying disciplinary action, the supervisor and/or person(s) responsible for personnel matters should always be consistent in handling such matters. The severity of the infraction normally determines the appropriate disciplinary action to take, but if one employee is verbally warned for repeated tardiness and another employee is terminated for the same offense, the employer could be challenged or accused of discrimination.

In dealing with performance concerns that relate to an ordained or commissioned minister, the district president should be contacted for his input and counsel. He will provide direction on how to best deal with any concerns and become involved as the situation warrants.

It is important to keep written documentation or records of performance related conversations with employees or other staff members.

Situations where courts may restrict an employer's right to terminate a worker can be categorized as:

- Public policy/Retaliatory Discharge, i.e. worker whistle blowing or for filing Worker Compensation Claims.
- Implied contract involves written or oral statements by the employer which allegedly create an implied promise of discharge only for "cause", i.e., oral statements promising continued employment, employee handbooks which contain obligations to which the employer is unwilling to commit. Also handbooks should avoid the use of mandatory language such as "will", "shall" or "must" when describing its obligations to employees.
- Good faith and fair dealing which may involve abusive or highly offensive discharges, i.e., retaliation for refusing to become emotionally involved with a supervisor.
- Written contract – termination before the end of the contract term is restricted, unless or except as allowed by the contract.
- Illegal reasons, such as illegal discrimination or for the exercise of a right or activity protected by law (e.g. military service).

D. DISCIPLINE AND TERMINATION PROCEDURES

There are laws that prohibit employers from practicing discrimination in the discipline and termination of employees. Employees of congregations/districts cannot be discriminated against with respect to employment because of their race, color, sex, pregnancy, age, disability, national origin, or other protected categories under state or local law. However, congregations have the right to discriminate with respect to employment based on religion and to only consider qualified males for positions required to be held by ordained ministers of The Lutheran Church—Missouri Synod. In addition, the employer has the right to discipline and terminate employees because of poor job performance and, in some cases, based on religion (not living a Christian life based on stated Lutheran principles). To lessen the chances of a charge of discrimination, employers need an effective system for corrective action. It is important that employers be knowledgeable on how to approach employee relation matters.

Corrective action can and should be used to promote positive changes in employee performance. Employees should receive constructive feedback about their jobs on a regular basis. The suspension, discipline or termination procedures are designed to assist in developing an employee and maintaining the staff in which the employer has a significant investment.

Employee turnover is extremely expensive, so good stewardship dictates that churches try to work with employees in an effort to help them do their jobs better. Employers should view disciplinary action as a way to redeem an employee's performance before job loss occurs.

Progressive Disciplinary Systems

In fairness to the employee and the employer, issues of concern related to an employee's performance or behavior should be dealt with in a swift and fair manner. While such issues are not easily dealt with, when done appropriately, the results can be very favorable if concerns are identified and guidance is provided in a caring christian manner with the intent to correct the situation.

Only in very rare cases should employees be fired without warning and without an opportunity to turn their performance problems around. A progressive disciplinary system enables employers and employees to protect themselves against charges of employment discrimination and wrongful discharge. These systems promote consistency, making it more likely that employees will be treated fairly. Although progressive disciplinary systems used by large corporations may be very formal and complicated, their principles can be implemented by churches in a relatively simple four step process.

Procedure:

1. Verbal Warning

Employees who fail to follow the employer's policies are subject to disciplinary actions, including termination of employment. For other than major infractions, which can result in immediate termination, employees will first be verbally counseled about the problem with the intent of clearing up any misunderstanding and establishing behavior expected in the future. This verbal warning should be as informative as possible including soliciting of comments from the employee concerning the violation. The verbal warning must be documented by the supervisor noting that the discussion took place, the date, and the subject of the warning, noting any appropriate or significant comments.

Continued violation of policies will result in levels of written notifications to the employee of unacceptable action, and can lead to ineligibility for merit increases, probation, suspension, or termination. It is recommended to document verbal warnings.

2. Personnel Memo/Written Warning

A second step in the counseling procedure can be a personnel memo/written warning. The personnel memo/written warning is a tool to help the church communicate more effectively with employees. It may be used to advise, warn, or otherwise notify an employee of performance or conduct that is not acceptable. The personnel memo/written warning should be clear and provide background and suggested alternates or means to clear up the unacceptable performance or conduct. The memo should be written in a supportive and encouraging manner in order to assist the employee in improving their performance. The memo must be signed by the employee and supervisor. The employee can note if there is a disagreement concerning the content of the memo.

3. Probation

Continued violations can necessitate the next step, to be taken, which may be probation. A letter advising the employee, citing the reason and length of probation should be personally delivered to the employee by the supervisor. The memo will also indicate that unless performance improves or compliance with policies is met, the next step will be termination. The employee must acknowledge receipt of the memo. A copy should be provided to the employee and a copy for the employee's personnel file.

4. Termination

A final step can be termination. Without improvement, this step can be taken. It is hoped that the progressive counseling procedures as outlined above will assist you in developing a supportive system.

Exceptions

It is important to note that the severity of the offense may warrant a diversion from the usual disciplining sequence, and that the disciplinary action taken may begin at any level. Probation, for example, could be given for a flagrant first offense, and immediate dismissal could result without prior warning or suspension in the case of major acts of misconduct or serious dereliction of duty. Written documentation of the offense and plan action should be recorded and maintained in the personnel file.

E. GRIEVANCE PROCEDURES

All employees should have a suitable grievance procedure available to them in addressing work related issues. Such grievance procedures should be published in the congregational/district Employee Handbook and employees must be advised of any additional avenues available in accordance with the Synod Dispute Resolution as outlined in the Synod by-laws.

RESIGNATIONS/TERMINATIONS

Employment at Will – (check state laws for applicability)

Employment at Will is defined as an employment relationship for no specific duration that may be terminated at any time at the will of either the employer or the employee, for any reason or no reason at all, provided the reason is not an illegal reason. It should be noted that the state statutes and courts have limited an employer's ability to discipline or discharge employees.

A. VOLUNTARY RESIGNATIONS

An employee who is resigning should be asked to provide a letter of resignation. The resignation should be placed in the employee's personnel file and kept for the period required by law for personnel records. Although no notice can be required of an at-will employee when he or she resigns, in most cases, a two (2) week notice should be requested.

B. INVOLUNTARY TERMINATION

Normally, an involuntary termination results from an employee's lack of job performance or disregard of employer policies. This means that the situation has been discussed with the employee, the skills have been taught, and the supervision and training efforts have been documented in the personnel file.

It is important that the employee have a clear understanding of their non-eligibility for unemployment benefits based on their employment with the employer. In most states, non-profit employers (501c3) are not required to pay unemployment tax for their workers and therefore the worker is not eligible for benefits based on their service to the congregation/district. (The employee may be eligible for benefits based on their work history with other employers.)

Congregation/district officers should be familiar with the laws of their state and should know if their congregation/district pays unemployment tax or reimburses the state for benefits for their employees.

If a position needs to be eliminated due to restructuring or other reasons, efforts should be made to place an employee in good standing in another suitable position if one exists. If such a position is unavailable, the employee should be advised as soon as possible that their position is being eliminated. Be sure to follow appropriate final pay requirements applicable to your state.

Entries in personnel records may include but are not limited to:

- The reason for the separation
- Performance history
- Corrective efforts taken
- Alternatives discussed and/or attempted
- Any other mitigating circumstances

Most of this documentation is produced throughout the normal course of supervision.

Supervisors and the boards to which they report should have a process in place for documenting employment history and performance prior to the need for such documentation.

Proper Documentation

Extreme care, including a legal opinion, should be sought/exercised prior to the employer informing the employee in writing of the reasons and circumstances for the termination or making public statements about the termination.

For instance, an employee could be terminated for breaching a clause in their job description stating that adherence to the teachings of the LCMS is expected of the employee. LCMS doctrine clearly expects that certain behaviors will be avoided because they are contrary to the teachings of the Scripture. If the stated cause for a termination is failure to follow the type of lifestyle expected by the teachings of the church, and the church is consistent in its application of the clause, a court could be expected to uphold the termination.

However, if only the specific behavior is given as the reason for the termination, with no reference to church doctrine, a court might not uphold the termination. Certain behaviors and/or lifestyles, which are contrary to LCMS doctrine, might be protected under federal or state laws. The point here is that when giving a reason for a termination, extreme care should be taken and legal counsel should be sought.

In the cases of involuntary termination or layoff, the supervisor and the Church/District governing body should review the circumstances of the termination prior to its implementation. In the case of a discharge, the employee may be suspended with or without pay and the case reviewed as soon as possible by the supervisor and/or the appropriate employers board or committee.

Upon their review and approval, the discharge becomes effective. If the discharge is not upheld, the circumstances will be reviewed to determine if any withheld back pay and benefits should be paid to the worker.

When, after following the appropriate disciplinary and counseling procedures and consultation with the individual responsible for personnel issues at the congregation/district, a decision has been made to terminate an employment relationship, the following measures should be followed:

- The employee shall be notified of termination by the appropriate person (normally their supervisor) in the presence of the individual responsible for the congregation's/district's personnel policies. Such notification shall be done in a caring and Christian manner.
- The immediate supervisor may make co-workers aware that the employee is no longer with the organization; however, no discussion should relate to the reason or the cause.
- The supervisor or other responsible person should cancel computer systems access.
- All assets of the employer shall be gathered (keys, cellular phone, calling cards, security cards).
- Building keys access should be cancelled.
- The supervisor should arrange for the payroll processor to provide final pay; and, whenever possible this will be made available at the time of termination. (Reference state law.)
- The immediate supervisor may make co-workers aware that a termination has taken place; however, no discussion should relate to the reasons/cause.

- Arrangements can be made for personal possessions to be gathered, with supervision, after normal office hours or to be mailed to the individual as soon as possible.

C. RETIREMENT

When an employee decides to retire, contact should be made with the Concordia Retirement Plan of the Concordia Plan Services to obtain an Application for Retirement. The form should be completed by the employee and authorized by the employer.

D. EXIT INTERVIEWS

Especially in the cases of resignations conducting an exit interview provides a good time to discuss the work environment, job description and responsibilities to determine how improvements can be made in the future. In other cases, the exit interview should be conducted with the idea of allowing the employee to vent his or her feelings as necessary.

For terminations other than resignations, an exit interview may be conducted if appropriate. There may be circumstances that it would not be prudent to conduct such an interview.

Unemployment Compensation – Federal and State

The district, church and school are exempt from federal unemployment tax because they are Internal Revenue Code Section 501(c)(3) exempt organizations.

However, unemployment tax is primarily a state responsibility, and, in some states, the laws are different for churches and schools. In most cases, all church and school employees are not eligible for coverage under the state unemployment laws because the organization is exempt from the tax or has elected not to participate. If the organization does not participate in the tax, the organization's employee handbook should state that its employees may not be eligible for an unemployment claim should they decide to leave the employment of the employer. However, some states allow "self-insurance funds" for a claim by a former employee if the employer agrees to reimburse the state fund or requires the church to participate.

In those situations where employees are not eligible for unemployment, it is suggested that new hires be asked to sign a statement acknowledging they will not be entitled such benefits.

Pay Due to Employees Upon Termination

Specific state laws may apply in your state in regards to termination checks. Some states require almost immediate termination pay with little or no employer stipulations. Employers should be aware of the laws in their specific state prior to being faced with a termination situation. State laws may also have requirements concerning pay for unused vacations and/or sick days. State employment laws should be consulted prior to establishing local policies and procedures.

Providing References for Terminated Employees

To protect the former employee's privacy, response should only be made to written inquiries from prospective employers and will provide only the dates of employment and the last position held. All verbal or written inquiries about a former employee should be referred to the appropriate person for response.

To protect the employer and the Synod as a whole, it is suggested that a complete explanation be given to an inquiry from another congregation or Synod entity when the worker was reprimanded, discharged, or resigned as a result of sexual, unethical, or illegal conduct. This must be done in a manner that is in compliance with state and federal laws. It is recommended to document the explanation provided to another Synod entity.

HEALTH, SAFETY, AND SECURITY

As employers congregations/districts have a general responsibility to attempt to assure a reasonably safe and secure work environment for employees. The congregation/district may want to establish a set of established safety guidelines and post them for employees.

A. SAFE WORKING ENVIRONMENTS

Standard precautions should be taken to provide uncluttered workspaces. Periodic reviews should be done to reduce or minimize any physical barriers to a safe environment such as poor lighting, piled boxes in pathways, unsecured electrical cords across walkways, or other clutter.

B. SECURITY

Reasonable efforts should be made to limit access to the work area to those with a legitimate business interest to provide a secure environment. Precautions should also be made to provide a secure well-lighted area for employees to park.

C. PROHIBITION OF VIOLENCE

It is the policy of the districts, congregations and schools that there will be zero tolerance for violence. This includes joking and talking of violence. If violence in the workplace is displayed or threatened, the person responsible for such conduct will be subject to immediate disciplinary action. In addition to the appropriate disciplinary action, the employee and/or other parties involved will be subject to criminal proceedings as appropriate.

For the purpose of this policy, violence includes physically harming another, shoving, pushing, intimidation or coercion; however, your employer reserves the right to review incidents and expand on what may be considered violence. No weapons are allowed on the premises (including our parking lots) and no threats or talk of violence will be tolerated.

All employees are to assist in preventing violence in the workplace. You can help by reporting incidents that could indicate a coworker is in trouble or that violation of this policy has or is taking place. All reports will be investigated.

D. EMERGENCY CONTACTS

Employees should provide one or two emergency contacts to be used in the case of a medical emergency when contacting family or friends is required.

E. WORKPLACE INJURIES/SERIOUS ILLNESSES

In the event a work place injury or sudden serious illness occurs, care for the employee must be a priority. Coworkers should be cautioned to only provide reasonable first aid. For the injury or illness a first aid kit should be kept on site in a convenient area. For illnesses/injuries that appear serious, coworkers should attempt to make the employee comfortable and assist the employee in determining the appropriate medical care needed. 911 should be called for emergency care and to transport the employee for further emergency medical treatment.

All churches, schools and district offices should consider how they can provide basic first aid in emergency situations.

F. WORKERS COMPENSATION

Workers Compensation seems to be a highly misunderstood issue within the church today. Churches have confused their statutory obligation to carry Workers Compensation with the need to provide protection for the church against the liability they may have for their employees. State statutes simply provide the requirements that mandate whether or not an organization must carry Workers Compensation. In some states, all organizations have to carry Workers Compensation coverage. In other states, you may be required to have 1, 2, 3, 4, 5 or more employees before it is mandated. However, in all states, the intent of the Workers Compensation system is to obligate the employer to provide compensation and medical expenses for injured employees, regardless of fault, when they become disabled because of work-related injuries or illness. In exchange, the employer is given immunity from common-law suits brought by employees for work related injuries, and also so called negligent tort claims.

This particular coverage has many facets that need to be addressed. The most misunderstood is the definition of who an employee is. By state statutes, an employee is anyone that provides services for you under contract or is employed by you. For example, most churches have a pastor and secretary. In addition, they often pay someone to cut the grass and an organist to play music. For Workers Compensation Insurance purposes, all four of these are employees. If you hire an independent contractor to paint your building, you should obtain an agreement stating that the congregation will be held harmless from any liability resulting from acts or omissions and those of his subcontractors or employees and stating that he will indemnify the congregation for any liability or loss caused by him or his subcontractors or employees and will release the congregation from liability for injuries to him, his employees, or his subcontractors occurring on the premises.

The Employer's Liability form provides coverage for most claims from employees and/or their families or other parties that are not otherwise covered by the Workers Compensation policy. Claims of this nature are excluded from your general liability form.

Please do not confuse Concordia Plan Services or any other group insurance program you might have with Workers Compensation and Employers Liability coverage. They are two distinctly different types of employee benefit plan. The one group insurance, Concordia Plan Services, is a complimentary coverage provided by you for the benefit of your employees. Workers Compensation and Employers Liability pay benefits to injured employees and/or their families. However, it is written to protect you from liability that you may incur as an employer. Every church should have Workers Compensation and Employers Liability coverage or its equivalent.

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_____ LUTHERAN CHURCH
SAMPLE POSITION DESCRIPTION

POSITION TITLE: Title

DEPARTMENT: i.e., Church Administration

1. DEPARTMENT PROFILE

Explain how the department supports the mission of the church/school.

2. PRINCIPAL FUNCTION

Give a broad summary of the job.

3. POSITION RELATIONSHIP

A. Reports to (i.e., pastor)

B. Supervises (Complete if individual has supervisory responsibility.)

4. PRINCIPAL RESPONSIBILITIES

Primary (List here the essential functions of the job. Below are some examples.)

1. Types, proofs, and copies church bulletins.
2. Is responsible for scheduling routine and non-routine maintenance of copy machine and orders copier supplies as needed.

5. POSITION QUALIFICATIONS

A. Essential (See examples below.)

1. Minimum of a high school education, or its equivalent.
2. Minimum of two years experience in secretarial positions.
3. Typing of 60 wpm.

B. Desirable

Can be added as appropriate and meaningful.

C. Work Environment, Physical Demands, and Other Information

List any of the following physical/mental/work environment requirements necessary for performing the essential functions of the position.

LUTHERAN SCHOOL EMPLOYEE POLICY

_____ Lutheran School (LS) is operated by Lutheran Church (Church). The Church is a religious non-profit corporation holding membership in The Lutheran Church—Missouri Synod (LC-MS).

_____ LS is a school with a mission, but it is more than that. The Church considers _____ LS to be a mission, one form of Christian mission to its members and to the community. LC-MS Christians believe that the purpose of education is not only to prepare people for life in this world, but to "make people wise unto salvation through faith in Jesus Christ." (1 Tim.3:15).

Christian beliefs, as understood and taught in the LC-MS, pervade everything that is done at _____ LS. Christian instruction is integrated into the study of every subject. Students are immersed in a Christian atmosphere, surrounded by teachers, administrators, and school employees whose very presence is a testimonial to the Christian faith and way of life.

_____ LS expects that its employees who are LC-MS members will adhere firmly to the teachings of the Church in matters of religious faith and personal conduct. Employees who are not LC-MS members are not required to believe or confess the teachings or beliefs of the LC-MS. However, no _____ LS employee may, in a way that may affect the school, promote beliefs that are contrary to those of the LC-MS or otherwise weaken the LC-MS Christian atmosphere at the school.

The Church, as a member of the LC-MS, takes firm stands on matters of moral conduct. For instance, the LC-MS affirms the sanctity of human life, including the life of an unborn child; the importance of a stable family life and of fidelity in marriage; and abstention from illegal drugs. The LC-MS opposes a homosexual lifestyle and cohabitation or sexual relations outside the marital relationship. These are only examples of the Church's positions on a number of contemporary questions of conduct and morals.

All employees are expected to lead personal lives that do not violate the teachings and beliefs of the LC-MS on matters of personal conduct, so that all employees may in their daily lives give witness to a lifestyle that supports _____ LS's mission as an LC-MS Christian institution. While all employees not having a call or written contract for a term are employees at will (meaning their employment may be terminated with or without cause at any time), any employee who fails to comply with LC-MS teachings in connection with his or her employment at _____ Lutheran School or conducts his or her life in a way that is inimical to those teachings may be terminated from employment for cause.

LC-MS doctrine and practice are derived from the Christian Scriptures, the Lutheran confessions, and the applicable resolutions of the LC-MS in convention. For all purposes of this policy and decision of the Principal of what constitutes the beliefs and teachings of the LC-MS shall be final and binding. Employees who are unfamiliar with LC-MS beliefs and teachings on any subject should inquire about them from the Principal. He/she can refer questioners to appropriate publications or, if necessary, can arrange for the employee to be counseled by the Pastor.

ELECTRONIC COMMUNICATIONS SYSTEMS POLICY

This document sets forth the policies of The Lutheran Church—Missouri Synod, The Lutheran Church—Missouri Synod Foundation, Concordia Plan Services, Lutheran Church Extension Fund, KFUE and other employers operating under common policies regarding the use of its electronic communications systems.

1. Ownership of Messages

The electronic communications systems, which include, but are not limited to, the telephone, electronic mail, voice mail, facsimiles, computers, the Internet and the World Wide Web, and all information stored on them are the property of your employer and are provided at your employer's expense. All information and messages that are created, sent, received, accessed, or stored on these systems constitute company records.

2. Business Use

The electronic communications systems are to be used primarily to conduct company business. Reasonable personal use of such systems is permitted, but must not interfere with an employee's productivity. Personal use should be limited to breaks, lunch and other non-working hours. Employees may not use the electronic communications systems for political causes; football pools or other sorts of gambling; illegal activities; seeking/inquiring about job opportunities outside of the organizations; list serves for non-work purposes; solicitations or advertisements for unrelated work purposes; or creating, possessing, uploading, downloading, accessing, transmitting, or distributing materials of a sexual nature. Employees may not use the employer's electronic communications systems to post non-work related information, opinions, or comments to Internet discussion groups and other such forums. Employees are prohibited from passing off their views as representing those of his/her employer.

3. No Presumption of Privacy

Although employees are expected to use passwords to access some of the electronic communications systems, such communications are not private and security cannot be guaranteed. In surfing the Internet and World Wide Web, employees should remember that all connections and sites visited may be monitored and recorded. Employees should assume that any communications – whether business-related or personal – that they create, send, receive, or store on their company's electronic communications systems may be read or heard by someone other than the intended recipient. In particular, highly confidential or sensitive information should not be sent through e-mail, the Internet, or the World Wide Web. Your employer reserves the right to keep an employee's e-mail address active for a reasonable period of time following an employee's departure to ensure that important business communications reach them; your employer will review such communications.

4. Employer's Right to Monitor Messages

Your employer reserves the right to monitor, access, retrieve, read, and disclose to law enforcement officials or other third parties all messages created, sent, received, or stored on the electronic communications systems without prior notice to the originators and recipients of such messages. Authorized personnel may monitor the electronic communications of employees to determine whether there have been any violations of law, breaches of

confidentiality or security, communications harmful to the business interests of your employer, or any violations of this policy and any other company policy.

5. Message Restrictions

Electronic communications may not contain content that a reasonable person would consider to be defamatory, offensive, harassing, disruptive, or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, political beliefs, or disability.

6. Prohibited Activities

Employees may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material, trade secrets; or other confidential, private, or proprietary information or materials in violation of any legal constraints. Employees may not upload, download or otherwise transmit any illegal information or materials. Employees may not use their employer's electronic communications systems to gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such computers or systems in any way, nor may employees – without authorization – use someone else's code or password or disclose someone else's code or password, including their own. Employees may not enable unauthorized third parties to have access to or use the electronic communications systems, nor may employees otherwise jeopardize the security of their employer's electronic communications systems.

7. Message Creation

Employees must use the utmost care in creating electronic communications. Even when a message has been deleted, it may still exist on a back-up system, be recreated, be printed out, or may have been forwarded to someone else without its creator's knowledge. As with paper records proper care should be taken in creating electronic records, which may someday have to be produced in connection with legal and/or business needs.

8. Record Retention

As with paper documents created and received by an employee, it is each employee's responsibility to ensure that those electronic messages that should be retained are in fact saved. Those messages that need not be retained should be deleted.

9. Viruses and Tampering

Any files downloaded from the Internet and any computer disks received from non-employer sources must be scanned with virus detection software before installation and execution. The intentional introduction of viruses, attempts to breach system security, or other malicious tampering with any of your employer's electronic systems are expressly prohibited. Employees must immediately report any tampering, or other system breaches to the Executive Director of Human Resources and/or the Executive Director of the Office of Information Systems.

10. Selling and Purchasing

The standard purchase and sales policies apply to all purchase and sales related activities conducted via the electronic communications systems.

11. Violations

Violations of this policy, including breaches of confidentiality or security, may result in suspension of some or all electronic communication privileges, disciplinary action, and even termination. Your employer reserves the right to hold the employee personally liable for any violations of this policy.

I certify that I have read, understand and agree to the terms set forth in this policy. I further certify that I have received a copy of this policy for future reference.

Employee's Signature

Employee's Name (please print)

Date

SELECTION INTERVIEW GUIDELINES

I. GOALS OF THE INTERVIEW

- A. Hire a person who “can” and “will” do the job.
- B. Improve the effectiveness of the congregation/district.

II. EEOC LEGISLATION

- A. Intentional/unintentional discrimination
- B. Protected groups

III. PREPARING FOR THE INTERVIEW

- A. Know the job
- B. Plan ahead
- C. Develop a plan
- D. Communication skills

IV. THE INTERVIEW

- A. Establish rapport
- B. Set the agenda
- C. Ask questions
- D. Provide information & answer questions
- E. Closing
- F. Document the interview

V. THINGS NOT TO DO

- A. Don't let biases/first impressions get in the way
- B. Don't oversell the position

VI. THE GOALS OF THE INTERVIEW

- A. TO HIRE A PERSON WHO “CAN” AND “WILL” DO THE JOB.

CAN the applicant DO the job? This involves examining the applicant's experience, training, and education, to assess the potential to perform specific job responsibilities.

- B. TO IMPROVE THE EFFECTIVENESS OF THE DISTRICT/CONGREGATION

The decision to hire an individual represents a major investment by the employer. Each position filled should be done with a belief that the organization will benefit by the decision. Each individual influences the success of the organization.

VII. EEOC LEGISLATION

Since 1866 laws have existed to protect certain rights of minorities. Some of the employment related laws are the Civil Rights Act of 1964, the Equal Pay Act of 1968, Immigration Reform and Control Act of 1986, Age Discrimination in Employment Act, the Americans with Disabilities Act and the Civil Rights Act of 1991.

As a hiring agent for the congregation or district, you must be able to accomplish the objectives within the framework of these laws, rules and regulations unless the ministerial exception applies.

State and local laws should be reviewed and complied with in the hiring and employment process.

A. DISCRIMINATION CAN BE INTENTIONAL OR UNINTENTIONAL – BOTH ARE ILLEGAL

1. Unintentional – Selection that seems neutral at face value but inadvertently discriminates against a protected group. This is known as disparate impact.
2. Intentional – Discrimination with intent. Treating protected individuals differently than non-protected individuals is known as disparate treatment.
3. Fulfilling the objectives of the regulations, laws, and executive orders is the immediate responsibility of the person, board or committee that is involved in the interviewing process. However, it is important to realize nothing in the law interferes with sensible effective management policies.

B. PROTECTED GROUPS

1. RACE/COLOR

Applies to all races not any one specific race. The intent of the law is to afford racial equality and therefore, is applicable to all races and color.

2. RELIGION

By legal definition, religion is defined as sincerely held moral or ethical beliefs as to what is right and wrong which are held with the strength of traditional religious views.

Amos Decision

The Supreme Court ruled in this case that a religious corporation has the legal right to hire individuals of a particular religion to perform work connected with the carrying on by such corporation.

3. SEX

Sex refers to the gender at birth (not sexual preferences). Discrimination in employment against any individual, male or female, on the basis of sex is a violation of the Civil Rights Act of 1964. (The LCMS is granted exception when filling positions that require an ordained clergyman to carry out the functions of a position).

4. NATIONAL ORIGIN

The EEOC defines national origin very broadly. It covers discrimination based upon an individual's ancestors, place of origin or because an individual has the physical, cultural, or linguistic characteristics of a national origin group.

5. MENTAL/PHYSICAL DISABILITY

A disability is a physical or mental impairment that substantially limits one or more major life activities. The Americans with Disabilities Act prohibits discrimination against a qualified employee or applicant who has such an impairment, has record of such an impairment, or who is regarded as having such an impairment.

6. PREGNANCY

The Pregnancy Discrimination Act of 1978 prohibits disparate treatment of pregnant individuals in all areas of employment. A female applicant may not be treated differently because of the female's pregnancy or capacity to become pregnant.

7. AGE (ADEA)

The ADEA protects anyone over the age of 40. Don't fall into the "Over qualified" state of mind. A court interpretation states "that characterizing an applicant in an age discrimination case as over qualified has a connotation that defies common sense and could instead be a buzz word for discrimination."

VIII. PREPARING FOR THE INTERVIEW

A. KNOW THE JOB

Knowledge of the job is crucial. If you do not know the job, you are less qualified to choose the person most qualified to do the job.

Review the position description and up-date, if necessary, to reflect the responsibilities of the position as well as the qualifications necessary to do the job.

B. PLAN AHEAD

1. Commit to the Process

An interviewer should be well informed and well prepared. You should have reviewed the job application and resume of the applicant prior to the interview and be prepared to obtain additional meaningful information.

2. Schedule

Adequate time should be allowed for each interview, approximately one hour for each applicant. Make sure the amount of time is sufficient to review the application and/or resume one more time before the interview. Time will also be needed after the interview to document the results.

The interview is an important business meeting, so don't allow any interruptions during the process. Make sure your schedule is clear.

3. Arrangements

Double check arrangements have been made for an appropriate interview room. It should be comfortable for both you and the interviewee and free from any distractions such as noise or visual activity.

4. Come prepared. You will want to make sure you have the following:

Pen and paper	Applicant's application and resume
List of interview questions	Applicant Evaluation Form
Job description	

C. DEVELOP A PLAN

Interviewers must cover the appropriate topics and ask the right questions to be successful.

1. Know the objectives to be achieved.

a. Collect Information

i) Can the applicant do the job?

Examine the applicant's experience, training, and education to determine if he/she is able to perform the specific job responsibilities

ii) Will the applicant do the job?

Examine the applicant's preferences for an interest in the job to determine his/her motivation and sense of commitment.

b. Provide Information

Let the applicant know about the job, the organization and the department. You should try to attract them to accept employment if they are chosen as the best candidate.

c. Check personal chemistry

Does the applicant's personal style and approach fit the culture of the organization, the department and yours?

2. Know the style of interview that is best for the position you are filling.

Structured Interview – formal style, it consists of a list of planned questions designed to get the information necessary to make a sound hiring decision.

Semi-structured – informal style, topics have been identified but there is flexibility to adjust to the individual in covering the topics identified.

Free-flowing – no structure, investigating any topic that seems relevant.

3. Establish a format.

The format established should promote the achievement of your objectives and increases the efficiency of the interview.

4. Define the questions or topics to be covered during the interview.

Focus questions/topics on what is job related.

a. Previous experience both work and non-work related.

Activities the applicant has performed that relate to the job responsibilities of the job to be filled.

a. Training and education

Job related skills that the applicant has that relate to the job being filled.

c. Demonstrated behaviors, stated preferences and intentions.

Reaction to stress, oral communication skills, personal likes and dislikes, motivation.

i) Avoid psychological questioning

- ii) Do not try to be an amateur psychologist. You are not able to objectively judge a person's character or psyche.
- iii) Do not follow the resume or application as a guide.

Questions should be asked as to any confusing aspects of the applicant's responses on the application or resume. Questions can be asked as to reasons for leaving prior employment and any unaccounted for gaps in employment.

D. COMMUNICATION SKILLS

1. Ask open-ended questions.

You cannot evaluate an applicant's ability to do the job with "yes" and "no" answers. You need specific details of experience or training to verify if he/she is capable of performing the job responsibilities. Probe for additional information as needed.

2. Listen

It is difficult to learn when you are talking. During the interview process, listening is your most important role. It is critical to the process.

3. Keep on track

Focus the interviewee on the topics you have identified as job related. Do not let him/her or you get off track from the topic.

4. Probe

Probe the applicant to obtain the information you need to learn in the interview. Do not accept the first response if you did not learn enough about the topic being covered.

IX. CONDUCTING THE INTERVIEW

A. ESTABLISH RAPPORT

Introduce yourself – State who you are, the position you hold and the department you represent. Welcome the applicant. Make small talk to put the applicant at ease (the resume or application may provide a common interest to break the ice.)

B. SET THE AGENDA

Outline the interview plan upfront. This relaxes the applicant by letting them know what to expect. It also allows you to stay focused.

C. ASK QUESTIONS

Conduct the interview in the style you have determined appropriate and don't forget the goal to get the information you need to make the right decision.

D. ALLOW THE APPLICANT TO ASK QUESTIONS

Allow the applicant an opportunity to ask questions he/she may have about the position, the employer, benefits, etc. Are the questions relevant to the job and demonstrate knowledge of the position? They need to make an informed decision if they are offered the position.

E. CLOSING

Thank the applicant for his/her time. Let them know how the decision process is expected to move forward and that you will get back to them.

F. DOCUMENT THE INTERVIEW

Title VII of the Civil Rights Act requires employers to keep records pertinent to the hiring decision for a period of six months. The Applicant Evaluation Form can provide this needed documentation, while it also assists in the decision-making process.

Comments and/or notes should not be made on the application, resume, or cover letter of the applicant. Rather notes should be on a separate sheet of paper or the Applicant Evaluation Form. At no time should physical characteristics be noted.

APPLICATION EVALUATION FORM

Applicant's Name

Interviewer

A. Required Qualifications

Test Results or Knowledge of Subject Matter

B. Desired

C. Evaluation of Applicant's Potential to Perform

Major Responsibilities/Accomplishments	Circle Your Evaluation				
	High				Low
1. _____	5	4	3	2	1
2. _____	5	4	3	2	1
3. _____	5	4	3	2	1
4. _____	5	4	3	2	1
5. _____	5	4	3	2	1
6. _____	5	4	3	2	1
7. _____	5	4	3	2	1
8. _____	5	4	3	2	1
9. _____	5	4	3	2	1

D. Applicant's Work Interest and Career Direction

1. Interest in Organization	5	4	3	2	1
2. Interest in Position	5	4	3	2	1
3. Motivation	5	4	3	2	1
4. Clarity of Career Goals	5	4	3	2	1

Additional Comments:

INTERVIEW RESULTS

Recommendation for Hire Yes No

Supporting Comments

X. THINGS NOT TO DO

A. DO NOT LET BIASES/FIRST IMPRESSIONS GET IN THE WAY

It is important to recognize that people judge character in different ways. We as humans are susceptible to a number of influences that can bias our judgment about an applicant and these biases can get in the way of the ability to select the most qualified person for a position.

Interviewers have a tendency to place more emphasis on the negative rather than the positive. Negative first impressions tend to carry through to the final decision. Since first impressions are based on such things as appearance, dress, firmness of the handshake, hairstyle, sex, age, race (all of which are not job related) a decision can be made prematurely and unfairly.

Most of us need to be conscious of our biases and reliance on first impressions when interviewing. We need to learn to overcome them. The best way to protect yourself from biases and first impressions is to plan properly for the interview.

REMEMBER

When it comes to selecting a person for a job, if its not job related, it should not be a factor in the decision process.

B. DO NOT OVERSELL THE POSITION

While "selling" the job and organization to a desirable applicant is important, the interviewer must be certain not to make specific promises or conditions and terms of employment greater or different than the written policies established as the standard. Such promises or guarantees may lend support to the applicant in a wrongful termination case if he/she is ultimately hired and then terminated.

Illegal Questions During an Interview

Discrimination on the basis of race, age, color, sex, religion, national origin, disability, or other protected classes under federal, state, or local law is illegal.

Many times, questions which are illegal are often only misstated. By rephrasing the question, you can often gain needed information while clearly avoiding violations of the law.

As these are often tricky areas, it is best to avoid them completely unless you have a valid, job-related reason for asking about them. Governmental agencies, courts and juries often assume that if you asked the questions, you used the information to make your decision.

Subject	Illegal Question	Turn the Question Around
Citizenship/ Birthplace/ Nationality	Where were you born? What is your citizenship?	Are you able to provide legal documentation of your ability to work in the U.S.?
Arrest Record	Have you ever been arrested?	Have you ever been convicted of a crime? Note – Some states specifically limit the scope of what can be asked and considered regarding convictions.
Marital Status/ Dependents	What is the number/age of your dependents?	Are you able to work over-time? Are you able to travel (if required)? Note: This question should be asked of all candidates.
Pregnancy-related Issues	Questions about childbearing/pregnancy.	Are you able to work overtime? Are you able to travel if necessary?
Medical Condition	What is your general state of health?	Are there any functions of this job you could not complete?
Maiden Name	What is your maiden name?	Have you ever used a different name?
Age	How old are you? When did you graduate from high school?	How many years of experience do you have in accounting? Can your degree be verified?
Residence	With whom do you live? Do you rent/own?	How long will your commute be? How long do you intend to stay in the area?
Disabilities	Are you deaf? Are you blind?	Are you able to perform the essential functions of this job with or without reasonable accommodations? Note: This question should be asked of all candidates.

Guidelines for Conducting the Performance Interview

1. Listen!

The effectiveness of your interview increases with your understanding of the employee. If you talk when he/she wants to talk, you may miss some of your best opportunities to learn what you need to know. But just letting him/her talk is not enough. How you hear his/her words and how you respond to them will determine, in part at least, what he/she will say in the course of the interview – and how he/she regards the experience. There are at least two basic approaches:

- a. Passive Listening: Encouraging the employee to speak freely can produce good results. However, this kind of listening requires considerable self-discipline and risks the loss of opportunity to capitalize on problems brought up and feelings expressed. Ordinarily, it is useful only to a point.
- b. Active Listening: Using skillful and tactful questions or comments; the active listener can focus attention on key matters. Do not rebut the arguments and contentions of the employee even though his/her position might easily be crushed. Instead, seek to develop better insight and understanding on the part of the employee.

2. *If the employee has appraised himself/herself more favorably than you appraise him/her, invite him/her to tell you his/her reasons.*

Then, if you still disagree, restate his/her self-appraisal. Be sure you understand it. Let him/her know that you want to consider his/her judgment and that you think his/her feelings are important even if you must disagree. Review and state the points on which you do agree. Then discuss your differences.

3. *Try not to be unduly influenced by things that may affect your feelings but do not otherwise affect the employee's value to the Synod.*

Remember that you are trying to help each employee to develop himself/herself, so that he/she can give the Synod the best he/she has to offer. This will require setting aside your purely personal preference and confining attention to matters of importance.

4. *In evaluating an employee's successes (or failures), maintain an appropriate perspective.*

Keep in mind the relationship between what is achieved and what is undertaken. Consider mitigating circumstances.

5. *Never discuss another employee's performance.*

Unfavorable comparisons cannot be kept confidential. They always leak.

6. *Do not discuss salary or promotion during the performance review.*

Such discussion is apt to be interpreted by the employee as a commitment. Focus on helping the employee improve his/her competence in the present job. Emphasize this aspect of growth and with it the satisfaction to be derived from achievement in current assignments.

7. Do not try to do too much.

Unless you are unusually skillful, some achievements in performance reviews are apt to be beyond you.

- a. You cannot make an unfavorable review a happy experience.
- b. You cannot make a suspicious employee trustful.
- c. You cannot make a belligerent employee cooperative.
- d. You cannot make a defensive employee self-critical.

8. Remember that it's more important to develop strength than to correct weakness.

Steps in Conducting the Performance Review Interview

1. *Briefly cover the purposes of the performance review:*
 - a. To explain how the employee is doing on the job assignment.
 - b. To evaluate what has been accomplished.
 - c. To prepare objectives for next year.
2. *Before you discuss performance, discuss the job. Reference Question 2 of the Personal Review.* If necessary:
 - a. Examine the Position Description together.
 - b. Determine agreement or disagreement about the exact nature of the employee's responsibilities.
 - c. Identify any needed revision in the position description.
3. *Ask about the employee's performance before you tell – and listen carefully. Reference Questions 1, 3 and 4 of Personal Review.*
 - a. Increasing effectiveness in position responsibilities.
 - b. Accomplishment of objectives, as well as failures.
 - c. Personal strengths in relation to the assignments and its challenges.
4. *Present your evaluation of the employee's performance. Reference the Performance Review.* Explain your assessment in detail.
 - a. Fulfillment of position description responsibilities.
 - b. Setting and attaining goals.
 - c. Evaluation of job comportment.

Note: Invite response. Make certain you understand each other and that differences are discussed, if not resolved.

5. *Develop and agree on objectives for the coming year. Discuss functional objectives and resources.*
 - a. Related to position responsibilities.
 - b. Related to unit projects.
 - c. Problems anticipated.
6. *Discuss professional/personal growth objectives and sources.*
 - a. Related to the individual's professional goals within the church.
 - b. Related to needs for personal self-development.
 - c. Problems anticipated.
7. *Close the interview, hopefully leaving the employee with:*
 - a. A specific or general awareness of overall effectiveness.
 - b. A clear understanding as to objectives agreed upon for the coming year.
 - c. A heightened sense of your concern and willingness to help.

Guide for Rating Performance

1. Definition of Ratings

Inadequate

Rating: 4

An employee at this level consistently performs below an acceptable level and should be placed on probation and is not eligible for an increase in wage. A specific probationary period should be established for the employee to improve his/her performance to job standard. In the case where improvement is not made, termination of the employee should result.

Limited

Rating: 3

This is a provisional level for inexperienced newcomers (generally those in a position for one year or less) or others whose performance is below the acceptable level. Some elements of the position may still require considerable supervision and instruction before performance satisfactorily meets position requirements.

A seasoned employee at this level of performance should be advised that they need to improve their work performance to a minimum of the standard rating or face probation and possible termination.

Effective

Rating: 2

At this level, an employee is consistently performing at a standard and acceptable level of performance. The majority of seasoned employees as well as a more experienced new employee developing in a satisfactory manner will fall in this category.

Impressive

Rating: 1

An employee who receives this rating is fulfilling the position requirements over a sustained period of time in the best way an employer can possibly expect in a given position. The employee at this level should have mastered every essential element of the assigned position and should be performing at a level well beyond what would normally be expected of the great majority of employees with similar duties. Normally less than 10 to 15 percent of employees fall under this rating.

2. Performance Review

Listed on the review are a number of factors that are important for success in performing a job. First, read the statement and then indicate the appropriate rating for the individual. Remember to take into considerations the entire time period when evaluating the employee. When evaluating a new employee, rate them based upon their performance to date. It may also be helpful to compare the employee to others in the unit remembering that not everyone is "impressive" in their performance.

Carefully review the factors and rate the employee objectively in each area. In rating and totaling of ratings, it is acceptable to use fractional values if you think the employee is between two descriptions. Each characteristic rated as a comment section directly below it. Use this space to point out specific incidents or items that substantiate your rating.

**PERFORMANCE REVIEW
EXEMPT STAFF**

NAME: _____

POSITION: _____

DATE ASSIGNED TO CURRENT POSITION: _____

RATED BY: _____ DATE: _____

APPROVED BY: _____ DATE: _____

DISCUSSED WITH EMPLOYEE BY: _____ DATE: _____

COMPLETE THIS SECTION LAST

Overall Performance Rating (please highlight below)

- | | |
|----------------------|---|
| 1. IMPRESSIVE | Performance consistently exceeds expectations for the position. |
| 2. EFFECTIVE | Performance meets expectations for the position. |
| 3. LIMITED | Performance does not meet expected levels. Improvement is needed to meet position standards. |
| 4. INADEQUATE | Performance consistently does not meet expected levels. Overall performance must improve immediately. |

RECOMMENDATIONS

Summary of Strengths:

Needs Improvement In:

Growth Potential:

Does the employee exhibit potential for advancement to positions of increased responsibility in this department? _____

In any other department? _____

In what particular areas or types of positions would this employee be especially well-suited?

Significant Comments:

JOB PERFORMANCE RATINGS

IMPRESSIVE	EXCEEDS POSITION DESCRIPTION RESPONSIBILITIES	RATING 1
EFFECTIVE	MEETS POSITION DESCRIPTION RESPONSIBILITIES	RATING 2
LIMITED	PERFORMANCE DOES NOT MEET EXPECTED LEVELS. IMPROVEMENT IS NEEDED.	RATING 3
INADEQUATE	PERFORMANCE CONSISTENTLY DOES NOT MEET EXPECTED LEVELS. OVERALL PERFORMANCE MUST IMPROVE IMMEDIATELY.	RATING 4

A. JOB RESPONSIBILITIES

1. How effective is employee in carrying out the major responsibilities of their job?

Rating:

B. GOALS & OBJECTIVES

1. To what degree has the employee met, exceeded or failed to meet the agreed upon goals for the past year?

Rating:

2. How well does employee establish both challenging and measurable goals? (Attach next year's goals)

Rating:

<hr/> <hr/>	
Calculate Average Rating of Section B (add together, then divide ÷ by 2):	

C. JOB COMPORIMENT

A=Applied; C=Critical; D=Does Not Apply

1.	How well does this employee demonstrate an understanding of and support for the organization's mission and maintain a constructive attitude?	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			

2.	How productive is this employee? (Quantity of work? Get things done? Job knowledge?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			

3.	How does this employee initiate work? (Starts assignments without prompting? Independently contributes ideas and projects?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			

4.	How does this employee adapt to changes in work situations? (Easily adjusts to new people, ideas and pressure situations?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			

5.	Does this employee observe the organization's policies and procedures?	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			

6. How does this employee organize work and analyze problems? (Set objectives and priorities? Manages personal resources efficiently to meet objectives?)

Applicability:

Rating:

7. How effectively does this employee keep current in their profession and the qualifications necessary to meet expectations?

Applicability:

Rating:

8. How effectively does this employee make decisions and generate creative solutions? (Timely? Effective? Takes appropriate risks?)

Applicability:

Rating:

9. How effectively does this employee work with people both inside and outside the organization?

Applicability:

Rating:

10. How effectively does this employee communicate with others? (Oral presentations? Listening skills? Written memos, letters, reports, Board dockets?)

Applicability:

Rating:

11.	How effectively does this employee manage the productivity of his/her employees? (Delegates tasks to get the job done? Uses staffing efficiently?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			
12.	How effectively does this employee develop staff and actively seek growth opportunities? (Promotes and encourages qualified employees as opportunities are available?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			
13.	How effectively does this employee develop budget requests and manage costs? (Uses financial resources efficiently? Meets budgets?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			
14.	How well does this employee supervise, appraise and develop subordinates? (Completes annual performance reviews on a timely basis? Accurately assesses performance and gives feedback? Trains subordinates?)	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			
15.	How effectively does this employee minimize potential for legal/employment relation issues ensuring compliance with Human Resources policies?	Applic- ability:	Rating:
<hr/>			
<hr/>			
<hr/>			

16. How effective is this employee in hiring, training, and promoting qualified minorities, females, and disabled individuals thereby contributing to a diverse work environment?

Applic-
ability:

Rating:

**Calculate Average Rating of Section C
(total points ÷ by number of rated categories):**

SUMMARY OF RATINGS

	Total points		
A. Job Responsibilities		x 3.5 =	<i>(35 percent of overall total)</i>
B. Goals & Objectives		x 3.5 =	<i>(35 percent of overall total)</i>
C. Job Comportment		x 3.0 =	<i>(30 percent of overall total)</i>
TOTAL PERFORMANCE POINTS			

OVERALL PERFORMANCE RATING SCALE:

Impressive	10 - 13
Effective	14 - 23
Limited	24 - 32
Inadequate	33 - 40

PERFORMANCE SUMMARY

Evaluator's Comments:

Evaluator's Signature: _____

Date: _____

Employee's Comments:

Employee's Signature: _____

Date: _____

**NON-EXEMPT
PERFORMANCE REVIEW**

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____ TITLE: _____

RATING PERIOD FROM: _____ TO: _____

RATED BY: _____ OVERALL RATING: _____

APPROVED BY: _____

PLEASE INDICATE OVERALL RATING

IMPRESSIVE

Performance consistently exceeds expectations for the position.

RATING 1

EFFECTIVE

Performance meets position requirements.

RATING 2

LIMITED

Performance does not meet expected levels. Improvement is needed to meet position standards.

RATING 3

INADEQUATE

Performance consistently does not meet expected levels. Overall performance must improve immediately.

RATING 4

PERFORMANCE REVIEW

1. Job Knowledge **Rating:** _____

Consider the extent to which the employee demonstrates a thorough knowledge of job duties; applies the knowledge required to fulfill the duties and responsibilities of the position, and appreciates the purpose of the job.

2. Quality of Work **Rating:** _____

Consider the accuracy, thoroughness, neatness, and related characteristics to the work produced or accomplished.

3. Productivity **Rating:** _____

Consider the extent to which the employee consistently maintains the volume of work in relation to the volume required for proficient job performance.

4. Communication **Rating:** _____

Consider the ability of the employee to transmit knowledge and ideas orally and/or in writing with the effectiveness and clarity relative to the requirements of the job. Also consider the nonverbal communication of a professional manner and appearance.

5. Attendance **Rating:** _____

Consider the employee's prompt arrival to work, number of days absent, time spent away from job duties during the day, and leaving early. (Do not consider absences taken under the Family and Medical Leave Act and/or any state family and medical leave act.)

6. **Flexibility/Adaptability** **Rating:** _____
Consider how the employee adjusts to varying job assignments, day to day demands, and/or a work environment impacted by change.

7. **Level of Required Supervision** **Rating:** _____
Consider how the employee's performance dictates the amount of time and effort required to direct and manage the employee.

8. **Performance Under Pressure** **Rating:** _____
Evaluate the manner and consistency of performance under pressure, and the ability to meet schedules and deadlines.

9. **Teamwork** **Rating:** _____
Evaluate the employee's ability to cooperate for the good of the group and how willing he/she is to work with others.

10. **Continued Improvement** **Rating:** _____
Weigh participation in support staff seminars, in-house training, and personal efforts to grow and improve in job related knowledge.

Additional Comments - Including Growth Potential

Identify areas in which this employee is particularly adept and that may be utilized for service in positions of added responsibility.

SUMMARY OF RATINGS

1. Job Knowledge	_____
2. Quality of Work	_____
3. Productivity	_____
4. Communication	_____
5. Attendance	_____
6. Flexibility/Adaptability	_____
7. Level of Supervision	_____
8. Performance Under Pressure	_____
9. Teamwork	_____
10. Continued Improvement	_____
	TOTAL _____

DEFINITION OF PERFORMANCE RATINGS

(Please transfer to front page)

Impressive	10 - 13
Effective	14 - 23
Limited	24 - 32
Inadequate	33 - 40

EMPLOYEE COMMENTS:

EMPLOYEE ACKNOWLEDGEMENT:

I have read and discussed this completed appraisal with my supervisor, and I have received a copy. I understand that my signature indicates that I have been personally apprised of my performance. It does not, however, indicate my agreement with the evaluation.

EMPLOYEE SIGNATURE: _____ DATE: _____

**DIRECT DEPOSIT
AUTHORIZATION FORM**

I, _____ (FIRST AND LAST NAME) AUTHORIZE **INSERT NAME OF CHURCH/SCHOOL/DISTRICT** DEPOSIT MY WAGES DIRECTLY INTO THE FOLLOWING BANK ACCOUNT(S). I ALSO AUTHORIZE THE PAYROLL DEPARTMENT TO WITHDRAW FUNDS FROM THE SAME ACCOUNT IN THE EVENT OF AN OVERPAYMENT.

1. BANK NAME: _____ ACCOUNT TYPE: Checking Savings
 ABA ROUTING # _____ ACCOUNT # _____

2. BANK NAME: _____ ACCOUNT TYPE: Checking Savings
 ABA ROUTING # _____ ACCOUNT # _____
 PARTIAL AMOUNT \$ _____

3. BANK NAME: _____ ACCOUNT TYPE: Checking Savings
 ABA ROUTING # _____ ACCOUNT # _____
 PARTIAL AMOUNT \$ _____

ACKNOWLEDGMENT OF INTERNATIONAL ACCOUNT TRANSFER

I AFFIRM THAT, REGARDING ELECTRONIC PAYMENTS TO THE DESIGNATED ACCOUNT MUST COMPLY WITH THE PROVISIONS OF U.S. LAW AS WELL AS THE REQUIREMENTS OF THE OFFICE OF FOREIGN ASSET CONTROL (OFAC). PLEASE CHECK ONE OF THE FOLLOWING:

- I affirm that, regarding electronic payments NAME OF SCHOOL/CHURCH/DISTRICT may remit to the financial institution for credit to the account that I have designated; the entire payment amount is not subject to being transferred to a foreign bank account.

- I affirm that, regarding electronic payments NAME OF SCHOOL/CHURCH/DISTRICT may remit to the financial institution for credit to the account that I have designated; the entire payment amount is subject to being transferred to a foreign bank account. I understand that any electronic payments may be remitted to me may be labeled with "IAT" as the standard entry class. I acknowledge that availability of funds credited to the account will be subject to my receiving financial institution's policies and procedures.

PLEASE ATTACH A VOIDED CHECK AND RETURN THIS FORM.

SIGNATURE

DATE

INSERT IMAGE OF CHECK

THIS FORM IS ONLY TO BE COMPLETED AFTER EMPLOYMENT

Copy Sent: _____

NEW EMPLOYEE DATA SUMMARY

The Lutheran Church—Missouri Synod
International Center

NAME: _____ **SS #** _____
Last First Middle Initial

ADDRESS: _____
Street

City State Zip

PHONE: () _____ **MARITAL STATUS:** _____
1 = Divorced
2 = Married
GENDER: _____ M = Male **DATE OF BIRTH:** _____ 3 = Separated
F = Female 4 = Single

DATE EMPLOYED: _____ **MEMBER LCMS?** Y or N

ON SYNOD ROSTER? Y or N _____ Ordained Minister _____ Certified Lay Minister
(If yes, please check one) _____ Commissioned Minister _____ DCE

CITIZENSHIP: _____ N = Non-Citizen P = Permanent Resident Y = Citizen

IN CASE OF EMERGENCY, PLEASE NOTIFY:

NAME: _____ **RELATIONSHIP:** _____

ADDRESS: _____
Street

City State Zip

HOME PHONE: () _____ **WORK PHONE:** () _____

Please list and give dates for all previous **full-time** employment with the LCMS (I.C., district, college, seminary, CHI, CPH, KFUE, school, parish, etc.)

LOCATION: _____ **DATES:** _____

DATES: _____

DATES: _____

SIGNED: _____ **DATE:** _____

--- To be completed by Human Resources ---

Citizenship Verification _____ **Employee Holiday (EH) Available** _____

Vacation _____ days in 20 _____ **Personal Leave Time Accumulates** _____ hours effective the 16th of each month.

DATE: _____

EXIT INTERVIEW

During your employment with The Lutheran Church—Missouri Synod you learned much about us as a place to work; therefore, we are anxious to learn your overall impressions of our policies and practices as an employer. Please be open with your comments. The questionnaire is confidential and does provide us with valuable feedback as to our strengths and weaknesses as an employer.

1. How long were you employed? _____

2. In which department were you employed? _____

3. What are your reasons for leaving? _____

4. If you are going to another job, what influenced you to do so? _____

5. What do you think of the department in which you worked at the LCMS? _____

6. What did you like **most** about:

a. Your job? _____

b. Your department? _____

c. The LCMS as your employer? _____

7. What did you like **least** about:

a. Your job? _____

b. Your department? _____

c. The LCMS as your employer? _____

8. Were you were kept informed about activities and changes in policies and practices within:

a. Your department? _____

b. Your employer? _____

9. How would you rate the quality of the supervision you received? _____

10. Did you feel free to make comments and suggestions to your supervisor? _____

11. Do you feel you had the opportunity to make good use of your skills and abilities? _____

12. How do you feel about the amount of work you were expected to do? _____

13. If you felt you were overworked or underworked, what could be done to correct this? e.g. add staff, distribute duties among existing staff, decrease staff. _____

14. Do you feel you had a chance for advancement? _____

15. Please rate the LCMS on the following:

	Excellent	Good	Average	Below Average	Poor	No Opinion
Your pay rate						
Holidays						
Vacation						
Health/Benefit Plans						
Other (Specify)						

16. What additional training would have helped you in your job? _____

17. Would you recommend to a friend the LCMS as a place to work?

_____ Yes, of course: _____

_____ Yes, with reservations: _____

_____ No _____

18. What is the single action the LCMS could do to make this a better place to work? _____

19. Please share any additional comments you have about your job, department, or the LCMS:

Thank you for completing this survey. We wish you much success in your future endeavors.

**THE LUTHERAN CHURCH—MISSOURI SYNOD
EMPLOYEE TIME SHEET**

EMPLOYEE ID: _____ DEPARTMENT: _____ POSITION No: _____
 NAME: _____ PAY PERIOD ENDING DATE: _____

DAY	DATE	IN	OUT	IN	OUT	IN	OUT	REG HOURS	OT HOURS	ABSENCE		VAC HOURS	LEAVE HOURS	EH	OTHER	FORFEIT	REMARKS
										FROM	TO						
SUN																	
MON																	
TUES																	
WED																	
THURS																	
FRI																	
SAT																	
SUN																	
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MON																	
TUES																	
WED																	
THURS																	
FRI																	
SAT																	
TOTALS																	TOTALS

EMPLOYEE'S SIGNATURE

AUTHORIZED SIGNATURE

NOTES:

1. TIME REPORTS ARE DUE IN PAYROLL 5 WORKING DAYS PRIOR TO PAYDAY.
2. FOR EXTENDED FMLA (3 OR MORE DAYS), PLEASE REFERENCE THE EMPLOYEE HANDBOOK OR CONTACT HUMAN RESOURCES.
3. ABSENCES WHICH MAY QUALIFY FOR FMLA (IDENTIFIED BELOW), NEED TO BE FLAGGED IN THE REMARKS SECTION ABOVE.
 - * BIRTH/ADOPTION/FOSTER CARE
 - * SERIOUS HEALTH CONDITION OF EMPLOYEE
 - * SERIOUS HEALTH CONDITION OF SPOUSE/CHILDREN/PARENTS (SERIOUS HEALTH CONDITION = MEDICAL CARE BY A PHYSICIAN)

4. EH = EMPLOYEE HOLIDAY
5. OTHER
 - C = COMPASSIONATE LEAVE (PLEASE NOTE RELATIVE FOR WHOM LEAVE WAS TAKEN)
 - J = JURY DUTY (ATTACH JUROR'S NOTICE FROM DEPUTY CLERK'S OFFICE)
 - D = EXTENDED ABSENCES (5 DAYS OR MORE) NEED TO BE NOTED IN REMARKS
6. PLEASE ENTER ACCOUNT TO BE CHARGED IN REMARKS IF IT IS DIFFERENT THAN THE REGULAR LABOR DISTRIBUTION FOR THE POSITION.
7. **REPORT ALL CATEGORIES IN NEAREST QUARTER HOURS.**

CONCORDIA PLAN SERVICES
The Lutheran Church—Missouri Synod

RECORD OF INELIGIBLE WORKER

Only those eligible workers who are employed on a full-time basis can be enrolled in the Concordia Plans. Part-time workers and temporary workers are not eligible to participate in the Concordia Plans. Below is an explanation of full-time, part-time, and temporary for purposes of the Concordia Plans.

FULL-TIME: Any worker employed more than 20 hours per week and more than 5 months per year. This includes all workers – called, on contract, or hired.

PART-TIME: Any worker employed 20 hours or less per week.

TEMPORARY: Any worker employed 5 months or less per year.

To inform us of an ineligible worker this form must be completed and returned to the Concordia Plan Services office.

<p>To be completed by:</p> <p style="text-align: center;">PART-TIME WORKER</p> <p>I am regularly employed by the employer named below approximately ____ hours per week, which became effective on (date) _____. Therefore, I acknowledge that for purposes of the Concordia Plans, I am a part-time worker and thereby ineligible to participate in:</p> <p>_____ Concordia Health Plan _____ Concordia Retirement Plan _____ Concordia Disability & Survivor Plan</p> <hr/> <p>Worker's Full Name (please print)</p> <hr/> <p>Worker's Signature Date</p>	<p>To be completed by:</p> <p style="text-align: center;">TEMPORARY WORKER</p> <p>My employment with the employer named below is expected to terminate within ___ months. Therefore, I acknowledge that for purposes of the Concordia Plans, I am a temporary worker and thereby ineligible to participate in the Concordia Health Plan, the Concordia Retirement Plan, and the Concordia Disability & Survivor Plan.</p> <hr/> <p>Worker's Full Name (please print)</p> <hr/> <p>Worker's Signature Date</p>
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Name of Employer	Address	City	State
Signature of Officer of Employer			Date

APPLICATION FOR EMPLOYMENT
INSERT NAME OF CHURCH/SCHOOL/DISTRICT

Thank you for your interest in employment at NAME OF CHURCH/SCHOOL/DISTRICT.

If because of a disability, you are in need of any special assistance with this application form or the application or interview process, please inform a staff member in the Human Resources office so that appropriate accommodations may be made:

We are an Equal Opportunity Employer. NAME OF CHURCH/SCHOOL/DISTRICT does not discriminate in the employment of individuals on the basis of race, color, national or ethnic origin, disability, gender or age. Because we are a church body, The Lutheran Church—Missouri Synod retains the right to give preference in hiring to persons who are members in good standing of an LCMS congregation.

PERSONAL DATA

Name _____ Home Telephone () _____
Last First Middle

Present Address _____
Street Address City State Zip Code

Previous Address _____
Street Address City State Zip Code

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Email Address: _____

Religious Affiliation _____ Name, address and pastor of congregation _____

Are you 18 years or older? Yes No

WORK PREFERENCE

Type of work or position applied for _____ Referred by _____

Interested in Full-time Part-time Summer Salary required _____

Date available for work _____

Will relocate if job requires it? Yes No

Are you able to meet the attendance requirements of the position? Yes No

Will you work overtime if required? Yes No If no, please explain: _____

OTHER

Should you be employed by NAME OF CHURCH/SCHOOL/DISTRICT, would you engage in any other business? Yes No

If yes, where and in what capacity? _____

Are you a citizen of the United States or do you have a valid authorization to work in the United States? Yes No

Have you ever been convicted, pleaded guilty or pleaded "no contest" to any crime, other than traffic violations in the pasts? Yes No If yes, please explain _____

Answering "yes" to this question does not constitute an automatic bar to employment. Factors such as date of the offense, seriousness and nature of the violation, rehabilitation and position applied for will be taken into account.

Have you ever been discharged or asked to resign by a previous employer? Yes No If yes, please explain _____

PERSONAL REFERENCES

Name and address	Telephone	Business/Profession	Length of acquaintance
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

EMPLOYMENT HISTORY

List your complete employment record including temporary, regular and part-time in date order with **most recent first**. List military serve, if applicable, as part of employment record.

MOST RECENT EMPLOYER — Are you currently working for this employer Yes No If yes, may we contact? Yes No

Company Name _____ Telephone () _____

Address _____

Street Address _____ City _____ State _____ Zip Code _____

Starting Position Title _____ Ending Position Title _____

Supervisors Name _____ Title _____

Employed From _____ Beginning Salary _____ Ending Salary _____ Full-time Part-time

Brief job description _____

Reason for leaving _____

If you were employed under a different name, give that name in full _____

Company Name _____ Telephone () _____

Address _____

Street Address _____ City _____ State _____ Zip Code _____

Starting Position Title _____ Ending Position Title _____

Supervisors Name _____ Title _____

Employed From _____ Beginning Salary _____ Ending Salary _____ Full-time Part-time

Brief job description _____

Reason for leaving _____

If you were employed under a different name, give that name in full _____

Company Name _____ Telephone () _____

Address _____

Street Address _____ City _____ State _____ Zip Code _____

Starting Position Title _____ Ending Position Title _____

Supervisors Name _____ Title _____

Employed From _____ Beginning Salary _____ Ending Salary _____ Full-time
Part-time

Brief job description _____

Reason for leaving _____

If you were employed under a different name, give that name in full _____

UNEMPLOYMENT

Account for all periods of two weeks or more for which you have been without work in the last five years.

FROM		TO		State reason
Mo.	Yr.	Mo.	Yr.	
Mo.	Yr.	Mo.	Yr.	
Mo.	Yr.	Mo.	Yr.	
Mo.	Yr.	Mo.	Yr.	
Mo.	Yr.	Mo.	Yr.	
Mo.	Yr.	Mo.	Yr.	

EDUCATION

School Name/Address	Years Attended	Graduation Date	Diploma/Degree	Major Subject	Grace Point Average
High School Address					
Business/Trade School Address					
College/University Address					

OTHER TRAINING, CURRENT LICENSES, OR CERTIFICATES:

1. _____
2. _____
3. _____
4. _____

Background Screening Authorization and Release

In connection with my application for employment, I understand that an investigative consumer report may be re-requested that will include information as to my character, work habits, performance and experience, along with reasons for termination of past employment. I understand that, as directed by company policy and consistent with the job described, you may be requesting information from public and private sources about my: workers' compensation injuries, driving record, criminal record, education, credentials, credit and references. I voluntarily and knowingly authorize the company, and/or its agents, to verify any aspect of the information contained in my employment application or through public or private sources. I further understand that misrepresentations or omissions in my employment application may be cause for rejection or subsequent dismissal if I am hired.

Medical and workers' compensation will only be requested in compliance with the Federal Americans with Disabilities Act (ADA). According to the Fair Credit Reporting Act (FCRA), I am entitled to know if employment is denied because of information obtained by my prospective employer by a consumer reporting agency. If so, I will be notified and given the name and address of the agency or the source which provided the information.

I voluntarily and knowingly authorize any former employer, person, firm, corporation, school or government agency, its officers, employees and agents to release to you or your agents any and all information concerning my former employment. I understand that the employment information may include, but is not necessarily limited to, performance evaluation and reports, job descriptions, disciplinary reports, letters of reprimand and opinions regarding my suitability for employment possessed by it.

I voluntarily and knowingly fully release and discharge, absolve, indemnify and hold harmless you, your agents and any former employer, person, firm, corporation, school or government agency, its officers, employees and agents from any and all claims, liability, demands, causes of action, damages, or costs, including attorney's fees, present or future, whether known or unknown, anticipated or unanticipated, arising from or incident to the disclosure or release of any such information to you, your agents, or consumer reporting agency.

I hereby authorize you to procure a consumer report as part of the pre-employment background investigation. If hired, this authorization shall remain on file and shall serve as an ongoing authorization for you to procure consumer reports at any time during my employment period.

Signature

Date

The following information is required by law-enforcement agencies and other entities for positive identification process when checking public records. It is confidential and will not be used by any other purposes.

PLEASE PRINT CLEARLY

Name: Last

First

Middle

Other names used (*include maiden name, aliases and nicknames*):

Address:

City/State/ZIP:

Telephone Number:

Social Security Number:

Date of Birth:

Driver's License Number:

Type:

State:

Acknowledgment of *Understanding and Consent*

PLEASE READ BEFORE SIGNING. If you have any questions regarding this statement, please ask them of an employment interviewer before signing.

This organization does not discriminate in hiring or employment on the basis of race, color, national origin, sex, age or disability, except with respect to positions that fall within the ministerial exception. Because we are a church body, The Lutheran Church–Missouri Synod retains the right to give preference in hiring to persons who are members in good standing of an LCMS congregation.

It is understood that this application is not an obligation to provide employment. The application will be kept active for three months and it must be renewed to be active for a longer period.

I hereby certify that the statements made in this employment application are true and complete, to the best of my knowledge, and I authorize investigation of those statements. I understand that falsification, misrepresentation or omission of facts will be sufficient cause for elimination of any consideration for employment or cause for dismissal from the Synod, if I have been employed.

The Synod has the right, exercisable at any time, and without notice, to change wages, to change or eliminate benefits and policies, as well as to terminate, with or without cause, the employment relationship. I understand that no manager or representative of The Lutheran Church–Missouri Synod, other than the Human Resources Committee of the Synod, has any authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing.

I understand that all employees of the Synod are expected to respect the official doctrines of the Synod and to pursue lifestyles that are morally in harmony with its teachings.

I agree that I have read and understand the above acknowledgments and agreements and recognize all of the above as conditions of employment.

Signature

Date