

FREQUENTLY ASKED QUESTIONS ABOUT HIRING LOCAL STAFF

1. Can we pay an individual employed as a janitor or secretary a stipend amount?

No. Wage and hour laws require that hourly, nonexempt employees be paid for the actual hours that they work. This means that the employee needs to be tracking and reporting hours, rather than receiving a flat stipend amount. (But see Q&A 3 below for information about hiring independent contractors. Independent contractors generally should be paid for the job rather than by the hour.)

2. Can a local church or school request that a non-Adventist applicant be hired?

ECEC Program Directors are required to be SDA. However, for those who are currently employed as an ECEC Director and who are not SDA, they are to be grandfathered in. All new and future hires in the position of ECEC Program Director should be SDA. Priority should be given to SDA applicants in the hiring of ECEC personnel (i.e., teachers, assistant teachers, cook, etc.). However, if every attempt has been made to identify qualified SDA ECEC personnel without success, then the most qualified personnel should be employed.

Because of the importance of ministry with every job function, the Conference strongly encourages its churches and schools to recommend Seventh-day Adventist applicants to the Conference for hiring. By law, the Conference is allowed to give preference to Seventh-day Adventist applicants over applicants who are non-members. If a church or school wishes to recommend a non-Adventist applicant for hiring, it should include documentation with the request indicating that a suitable Adventist candidate is not available.

3. Can my church or school issue its own employment documentation, such as a contract of employment?

No. Regular part-time and full-time employees of a church or school are considered to be employees of the Conference, and the church or school is not authorized to issue its own contracts to employees. The church or school may be able to enter into a contract with an *independent contractor*, but it should be very sure that an independent contractor relationship (rather than an employer-employee relationship) exists prior to entering into that contract. Please consult with the Conference Human Resources Department prior to entering into any contract with an independent contractor.

4. Can an employee be paid with non-cash compensation (e.g., food, housing, tuition assistance)?

Because of the difficulty of properly reporting non-cash compensation to the Internal Revenue Service for taxation, churches and schools should plan on paying only monetary compensation for the work performed.

5. What is the church or school required to pay?

The church or school is responsible for the remuneration, benefits, costs and employer taxes associated with the position (entire compensation package). These amounts are billed to the church or school each month after payroll is run. The Conference assists in non-financial ways, such as by issuing paychecks to employees, handling income tax reporting responsibilities, and processing benefit enrollment. The Conference does not charge any administrative or processing

fee to the local church or school for performing these services. Please refer to [PAYROLL COSTS] for more information.

6. Can an employee “volunteer” time if we can’t afford to pay for all of the hours that the employee works?

No. Such an arrangement is strictly prohibited. Employees must be paid for all of the time that they work, both out of fairness and to comply with wage and hour laws. You may permit an employee to volunteer time for your organization in a position that is substantially different from his or her normal job duties and that is customarily a volunteer (unpaid) position (e.g., church secretary may volunteer as a Pathfinder leader).