

THRIVE

CONFERENCE 2010
APRIL 29-MAY 1 | BAYSIDE CHURCH | GRANITE BAY, CA

HR for Churches

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HR Blind Spots

HR Laws apply to all business and organizations...Even Churches

Overview

- Interviewing
- Hiring
- Rejecting candidates
- Onboarding
- Terminations types
- Final pay
- Vacation, Holiday, Sick (what is the law)
- Hourly vs. Salary
- Exempt vs. Non-exempt who decides
- Churches opt out of UI and SDI impact to EE's
- Workers Compensation
- AB1825 Sexual Harassment Training CA
- Volunteering vs. paid EE

Interviewing

- Why do we interview? Main goals to:
- learn more about the candidate
- predict the candidate's ability to perform the job
- gauge the candidate's ability to "fit in" with your organization
- encourage successful candidates to accept the position
- What we can't ask and why?

Interviewing No-No's

- Age
- Availability for work and travel
- Birthplace and citizenship
- Clubs and affiliations
- Disabilities
- Economic Status
- Relatives
- Military status

Hiring

- Employers should set the terms of employment after hiring a candidate:
 - identify the employee
 - specify the job
 - describe the compensation
 - state any conditions that must be met before employment begins (e.g., passing a drug test, proving work eligibility).
- set the duration of employment (e.g., "at will" or for a specific period of time)
- A written contract may help avoid disputes and limit liability but could get you into trouble.
- New hire paperwork is very important and timely

Rejecting Candidates

- While it is polite to tell rejected candidates, "We're sorry, but we cannot offer you a job," you are NOT required to tell them:
 - why they were rejected
 - the identity of the person you hired
 - similarities or differences between them and the person you hired
 - that you'll consider them for the next open position

Onboarding – why is this important?

- Why do employees leave organizations?
- How quickly do new employees make this decision?
- What does it cost on org when an EE leaves employment?
- How can you help with prevention? First day, week, month and year

Terminations

- Can get an organization into trouble if not careful.
- Document, document, document.
- Be certain that you know and follow your organizations rules and policies.
- Know the facts if organization is terming
- Do you have a progressive discipline program?
- Do you follow it equally to all employees
- Be careful of discrimination laws
- Your best vs. your worst employee

Final Pay - CA

- Total wages due at time of term
- 72 hour rule
- Vacation pay
- Can't withhold a final (or any) paycheck for any reason.
- Can't take money out of check without specific written permission

Vacation, Holiday and Sick pay

- Vacation pay
- Holiday pay
- Sick pay
- Not required by law but if you have them then you have to follow some rules.
- No "use it or lose it" in CA
- Capping is ok

Hourly vs. Salaried

- Hourly employees are paid by the hour and are eligible for overtime
- CA overtime eight (8) in a day or 40 in a week
- FED overtime 40 in week
- Salaried employees are a paid lump sum per pay period but you still might have to pay them overtime and need to track their hours

Exempt vs. Non-Exempt

- Non - Exempt what does this mean?
- Exempt who and what determines this?
- 5 exemptions What are they?
 - Professional
 - Executive Highly Compensated
 - Administrative
 - Computer Professional
 - Outside Sales

Churches opting out of UI and SDI

- Are there any effects to employees?
- Unemployment not paying into
- State disability insurance not paying into
- Option to have employees pay for this separately

- Saves the church taxes

Workers Comp

- All businesses and organizations are required by law to have this no matter the number of employees.

Sexual Harassment Training - CA

- Do churches have to meet this requirement? YES, if...over 50 employees or close to it
- Two hours, every two years for all supervisors and managers
- New supervisor or managers within the first 6 months
- Strict requirements regarding the training
- Great safeguard
- Affirmative defense

Volunteer vs. paid EE

- The title of volunteer often is misapplied, and is determined partly by the intent of the organization.
- An employee can volunteer but if they are asked to volunteer then they are not volunteering
- A true "volunteer" is someone who is offering their services for public service, religious or humanitarian objective the individual is not an employee of the religious, charitable or similar non-profit corporation that receives the services.
- Can't volunteer to the same job that they are paid for if working for the organization.

Questions?

Thank you for your time today.
