



PRESBYTERY OF SAN DIEGO
SPIRITUAL. MISSIONAL. RELATIONAL.

LEGAL UPDATE FOR CHURCHES

Paying Employees Properly - Wage & Hour Problems are Issues for Churches

The crime of grand theft is committed when the money, labor, or real or personal property that is taken is of a value exceeding \$950.00. . .grand theft is generally punishable either as a misdemeanor by imprisonment in a county jail for up to one year or as a felony by imprisonment in county jail for 16 months or two to three years. (Penal Code 487m)

* **Why is this important for churches?**

- "Because of limited budgets, everyone knows we don't pay overtime."
- "Employees work extra on their own because they love the church."
- "I've known her for years. She would never sue the church."

* **Most common violations**

- Meal/rest break violations
- Overtime violation
- Lack of Time records
- Misclassifying a non-exempt employee

* **Reminders**

- Do not allow unpaid overtime.
- Compensatory time off is not legal in CA for non-exempt employees
- Do not give gift cards or a stipend as payment
- Churches are not required to offer COBRA
- Consider how you are paying camp counselors, musicians, VBS workers

Expanded Requirements for Protecting Youth - 3 Things You Need to Know

- * Mandated reporter training for administrators, employees and youth volunteers (6-7 hours through the State, or 1 1/2 hours at www.churchhrnetwork.com membership)
- * LiveScan (and only LiveScan) background checks are now required for administrators, employees and volunteers — all individuals working with children (Penal Code 11165.7)
- * Your child abuse prevention policies & procedures need to be updated to include a reporting process and 2 SCREENED/TRAINED mandated reporters when supervising children

* **Reminders**

- Budget for LiveScan VBS and camp workers
- Regular volunteers (18+ yrs) serve 16 hours/month or 32 hours per year
- Any suspected abuse must be reported to an outside agency (Sect 11105.3)
- Keep LiveScan documents in a locked file separate from personnel files

Prepared by San Diego Presbytery HR Committee adapted from materials provided by ChurchWest, Church HR Network, Brockman Quayle Bennet

Not intended to be legal advice. Consult with your attorneys for additional information.