



# MINISTRY HR ✓CHECKLIST

# 2023

*Brought to you by:*



# ABOUT THIS CHECKLIST

This Checklist is the product of our 2023 HR Bootcamp put on by **ChurchWest**, **BQB Law** and **ChurchHRNetwork**. This year, **more than 1100 ministry leaders** fellowshiped with us as we reviewed the biggest legal and compliance updates for 2023.

**We believe ministry should be simple.** You shouldn't need a law degree or insurance license to effectively spread the Gospel.

So we have two goals for our ministry content:

1. Bringing you **authoritative** content you can trust,
2. and **actionable** resources you can use.

We've curated much of what was discussed at Bootcamp in this report and tried our best to summarize the major topics. However, it's impossible to condense a day's worth of education into a 3 page checklist.

**So save the date!** Bootcamp will return in 2024 with all new information. Until then, stay on the lookout for future updates from your friends at ChurchWest, BQB Law and ChurchHRNetwork. We'll keep you updated throughout the year on the most important issues through webinars and our blog.



**Insurance Questions?**

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**Meet the California Civil Rights Dept.** The Department of Fair Employment and Housing's name changed to the Civil Rights Department.

- **Remember:** Only a very small part of FEHA includes churches (CFRA).

**Don't Waive Your Statutory Protections!**

Under Title VII, religious organizations are permitted to give employment preference to members of their own religion. Make sure you understand how your religious protections work...

- Review hiring documents.
- Review your Employee Manual with a professional from ChurchHRNetwork.
- Secular workplace posters can jeopardize your protections. Contact your ChurchWest agent for a Workplace poster tailored to Christian based organizations.
- NOTE: While your ministry is most likely exempt from State Disability Insurance, you should contact an employee benefits agent regarding short term disability coverage for your team.

**Respect for Marriage Act.** In general, Congress finds that (1) No union is more profound than marriage, and (2) that diverse beliefs about the role of gender in marriage are held by reasonable and sincere people.

- Check for statement of faith regarding marriage in:
  - 1. New hire documents.
  - 2. Employee Manual.
  - 3. Rental / Use Agreements.

**New Bereavement Law.** Every employee working 30 days for an employer receives 5 days of bereavement leave (in addition to the 12 weeks of job protected unpaid leave under CFRA)

- Update your policies and procedures regarding bereavement.
- Review your Employee Manual.
- Review your CFRA Policy.
- Notice to employees regarding rule.
- The leave must be taken within 3 months of the death.

**CFRA and CA Sick Leave Policies.** All employees are now eligible to take CFRA for a designated person (any individual related by blood or whose association with the employee is equivalent of a family relationship.)

- Update Your Employee Handbook.
- Give notice to your employees.

**CA Bans Employment Discrimination for Marijuana Use.** What should religious employers know? FEHA (Section 12940) does not apply to them [See Govt Code §12926(d)]

- Update your "Drug Free Workplace" policy to include marijuana.

**CA Minimum Wage and Calculation.** New minimum wage for non-exempt employees in CA for both large and small employers is \$15.50 an hour, unless the city or county in which the employee works has a minimum wage higher than the state. Exempt Employees now must make \$64,480 to meet the salary requirements to meet the salary requirement to be exempt in CA.

- Meet with payroll to make necessary adjustments.
- Adjust your exempt employees to be sure that you are at a minimum of twice the state minimum wage.

**New Overtime Rules (Not passed yet).** As we continue to wait for the Labor Department to issue new Exempt salary requirements and duties requirements updating FLSA was supposed to be released in April 2022, then delayed to October of 2022...and we keep waiting.

- Watch AB 2932 CA.
- Watch for President Biden's changes to the federal salary threshold.



**Pay Data Reports.** Employers with 100 or more employees must submit an annual pay data report.

- Confirm whether you have fewer than 100 employees. If not, review the requirements with a BQB attorney or ChurchHRNetwork professional.

**Pay Transparency.** Existing law requires an employer, upon reasonable request, to provide the pay scale for a position to an applicant applying for employment. New law requires additional pay transparency by employers.

- Be prepared to provide a pay scale for each job position.
- If you have 15 or more employees: include pay scale when posting a job.
- Maintain job title/wage rate history for each employee.

**State of Emergency and Worker Rights.**

Workers now have new rights in emergencies, effective 1/1/23.

- Create new emergency policy with a no-retaliation clause.

**COVID Noticing Requirements.** You can now post a prominently displayed poster when you have had an exposure to COVID, or you can still send a mass email alert to employees (A sample posting is available to members of ChurchHRNetwork).

- You must keep a log of all notices, electronic or paper, from January 1, 2023 to January 1, 2024.
- Poster must be displayed for 15 days.

**Severance / Settlement Agreements.** There are new limitations on settlement agreements involving disputed claims of sexual misconduct.

- Never use a template severance agreement! Contact ChurchHRNetwork for assistance.

**New Statute of Limitations on Sexual Assault.** The statute applies to victims of sexual assault where the sexual assault occurred on or after the person's 18th birthday.

- Maintain records!
  - 1. Background Checks.
  - 2. Reference Checks.
  - 3. Personnel Files.
  - 4. Insurance Records.
- Settlement of claims requires cautious use of nondisclosure agreements or confidentiality agreements.
- Termination of all contact with alleged perpetrator.

**CA Sexual Abuse Legislation.** Ministries are under more requirements than ever regarding abuse prevention and reporting. (Pre-schools are governed by their licensing requirements).

- LiveScan is now required for all employees and regular volunteers.
- Mandated Reporter training must be completed for all employees and regular volunteers.
- Visit [churchwest.com/ab-506](https://churchwest.com/ab-506) for the latest on California abuse prevention and reporting.

**COVID Employer Testing.** Once an employer has been notified that an employee has tested positive, the employer may request a 2nd test within 5 days of the first test. If the second test is positive the employer may request a 3rd test within 24 hours of the 2nd test. If you require the test you must pay for the test.

- Notify employees if you're requiring tests.
- Update your COVID response plan.



## **New Rules for Wage Garnishments (Code of Civil Procedures 706.050).**

Amends the Wage Garnishment Allowance by specifying the maximum rate of weekly garnishment to be the lesser of two amounts:

- 20% of the individuals disposable earnings for a week **or**
- 40% of the amount by which the individual's disposable earnings exceed 48 times the state minimum hour wage.

- Schedule a meeting with payroll department to review new garnishment requirements.

**Insurance Review.** Your insurance policy is the foundation of your risk management program. As a ministry leader, it is important to review your coverages and make they are tailored to the needs of your faith based non-profit.

- Keep a comprehensive file of every prior insurance policy including the carrier name and policy number.
- Review the claim reporting terms for critical coverages such as Employment Practices Liability, Sexual Misconduct Liability and Counseling Liability.
- Ensure that your ministry carries Religious Freedom Protection coverage to defend your faith based decisions.



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