

# Legal Issues

## Employees and Volunteers



Evangelical Lutheran Church in America  
God's work. Our hands.

## What steps must my congregation take before hiring a new employee?

### Does your congregation have its 'I-9's in order?

Under federal law, all employers—including congregations, synods and church organizations—must have a form on file that verifies the employment eligibility and identity of each employee.

The Immigration Reform and Control Act requires all U.S. employers to complete the [Employment Eligibility Verification form](#) (Form I-9) for all employees, including U.S. citizens. There are no exceptions! There are many documents that have been approved to establish employment eligibility. Be careful to note which documents are needed alone and which ones are needed in combination.

- U.S. passport
- driver's license
- social security card
- certified copy of birth certificate
- permanent resident card

The [Bureau of U. S. Citizenship and Immigration Services](#) has primary responsibility for enforcing these laws. You will find the I-9 forms, in English and Spanish, and other useful information on their Web site.

### Employment Screening

- Have a job application completed
- Ask for references
- Ask for previous employment references
- Make sure you call the references and make written notes of the calls for your files.
- See ELCA job application sample

### Background Checks

Are there some questions we should ask and issues we should address when doing background checks in the staff hiring process? Yes – please review the ELCA resource “Background Check Questions.”

You can do a background check yourself or hire a service to do it for you. Most of this information is public record and can be retrieved online.

**Background Checks can be done to:**

- verify name and address and previous addresses
- verify previous employers
- verify Social Security number
- verify educational history or professional license
- verify military service
- search criminal records
- search civil records
- search sexual offender / terrorist databases
- search driving violation records

**[Oxford](#)**

As a preferred vendor, the background-check company [Oxford](#) offers a 10 percent discount on all screening services provided to synods, congregations, and affiliated organization customers. Oxford never charges set-up or initiation fees. To obtain the discount, call Oxford at 1-800-801-9114.

[Background Screening](#) from Church Mutual Insurance

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