



Handbook for Clerks of Session

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Please pass on to
your successor!

Office of the Stated Clerk
Pittsburgh Presbytery
901 Allegheny Avenue
Pittsburgh, PA 15233-1701
Phone: 412.323.1400 X 319
Fax: 412.323.2256

Table of Contents

Introduction	pg. 3
Role of the Clerk of Session	pg. 5
Responsibilities of Clerk of Session at a Glance.....	pg. 6
The Clerk and the Session	pg. 8
Time Line for Clerks Related to Session Meetings.....	pg. 9
What to Take to the Session Meeting	pg. 10
Notes on Session Meetings.....	pg. 10
Electronic Session Meetings and Voting.....	pg. 11
Guidelines for Session Minutes	pg. 13
A Suggested Notebook for Session Members	pg. 18
Session and its Relationship to Other Organizations.....	pg. 19
The Clerk of Session and Congregational Meetings	pg. 21
Clerking the Congregational Meeting.....	pg. 21
Minutes of Congregational Meetings	pg. 22
The Clerk of Session and Rolls and Registers.....	pg. 24
Types of Members	pg. 24
Roll Books.....	pg. 25
Paper vs. Electronic Rolls	pg. 25
Registers.....	pg. 26
The Clerk of Session and the Presbytery	pg. 27
Interactions between Session and Presbytery	pg. 27
Standing Rules of Pittsburgh Presbytery Relating to Particular Churches	pg. 30
Time Line for Clerks Related to Presbytery	pg. 31
The Church and Civil Law	pg. 32

Introduction

Welcome to the office of Clerk of Session! You have joined a unique and important group of people within the Presbyterian Church (U.S.A.). The *Book of Order* mandates that each governing body of the PCUSA have a moderator and a clerk. (G-3.0104) Clerks of Presbyteries, Synods, and the General Assembly are called Stated Clerks. Those serving sessions are called Clerks of Session.

The Handbook for Clerks of Session is written for clerks by clerks as a guide to the responsibilities of the Clerk of Session. It is written with the following assumptions, that the Clerk of Session:

- plays a vital role within the Presbyterian Church (U.S.A.);
- maintains the history of the faithfulness of the Church through careful minutes and records;
- is interested in and knowledgeable about Presbyterian polity;
- along with the moderator, is the liaison between session and presbytery;
- is always striving to be a servant to session, in the fullest New Testament sense, and is equipped spiritually to fulfill the servant role;
- is elected to be the continuing ecclesiastical officer of the Congregation. In this capacity, the Clerk has the responsibility to see that worship takes place and that the pulpit is filled.

A clerk of a governing body understands that our order is to be derived from Scripture, as it is expressed in the Confessions of our Church. Our order expresses the principle that we must live our lives together in accord with our faith and as a witness to the demands of Scripture. A clerk of a governing body respects the Constitution of the Presbyterian Church (U.S.A.) as our covenant with one another about how we can, in our diversity, be such a witness. A clerk knows that our rules are never an end in themselves, but rather an attempt to be faithful to our covenant. Our polity commits to a shared ministry among ruling elders, deacons, members, and ministers of word and sacrament; it commits to a representative form of government in which both ruling and ministers of word and sacrament have care of the congregation; and it commits to corporate governance in which decisions are always corporate, never singular. The Moderator and the Clerk of Session, together, are the guardians of this polity, all to the goal of furthering the "Great Ends of the Church."

The great ends of the church are the proclamation of the gospel for the salvation of humankind; the shelter, nurture, and spiritual fellowship of the children of God; the maintenance of divine worship; the preservation of the truth; the promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world.

(G-1.0200)

As clerk, you will record a good deal of history of your church as you write the minutes of your session. Future generations will learn what your church did to further Christ's mission in the world by reading the minutes you write. It follows then, that it is important that you keep accurate records of all the proceedings in the session meetings and in congregational meetings.

This Handbook has been prepared to provide Clerks of Session with information and examples to assist them in their work and to ensure that they have easily accessible information about what must be included in the session record books.

This Handbook is dedicated to all of the Clerks of Session of Pittsburgh Presbytery, both past and present. We are especially indebted to former Stated Clerk, John A. Matta, Esq., for publishing the first edition of this Handbook for Clerks of Session and to the Presbytery of Donegal for sharing their recent update.

Role of the Clerk of Session

The primary role of the clerk of session is to maintain and preserve the records of the church, including the minutes of session and congregational meetings and the rolls and registers. Clerks may assist the moderator in docket preparation or serve as a sounding board for the moderator. An important role of the clerk is to assist the pastor by keeping the pastor informed and providing information to the pastor as requested. Other assistance will be determined by the relationship between the pastor and the clerk and by the needs of the pastor.

As a new Clerk of Session, your priorities should be to:

1. Locate the minute book and church register. Locate all previous record books. Are they properly stored? These records should never be taken from the church and should be kept in a locked, fire proof safe or cabinet when not in use. You are the only person who can authorize entries into these books.
2. Locate a current *Book of Order*. Section G-3.02 of the *Book of Order* discusses the duties of session. You will find most of the information you need immediately in that chapter. That chapter also describes the rolls and registers of the church and gives instructions on how to maintain them. The *Book of Order* may be downloaded free of charge from the Presbyterian Church (U.S.A.)'s website at <http://store.pcusa.org/OGA15010>.
3. Locate a copy of your church bylaws and congregational charter. Where the *Book of Order* is silent, the congregation's by-laws often will tell you what needs to be done.
4. Locate copies of church architectural drawings, mortgage papers, and church histories and make sure that they are stored properly.
5. Locate a copy of the Clerk's Handbook published by Pittsburgh Presbytery. You will find a great deal of helpful information in the Handbook. Copies of the Handbook are available from the Office of the Stated Clerk at Pittsburgh Presbytery Center or online at:
http://www.pghpresbytery.org/forms/pdfs/stated_clerk_resources/clerk_handbook.pdf
6. Keep the presbytery address, telephone number, and website address, www.pghpresbytery.org, close at hand. You will find help on almost every problem at presbytery. The Stated Clerk of Pittsburgh Presbytery is the person to whom you directly relate. For help on your questions and knowledge of whom to call, contact:

Office of the Stated Clerk,
Pittsburgh Presbytery
901 Allegheny Avenue
Pittsburgh PA 15233-1701
Phone: 412.323-1400, X-319 Fax: 412.323.2256

Other websites that you may need are:

The Presbyterian Church (U.S.A.), www.pcusa.org

The Synod of the Trinity, www.syntrinity.org

The Board of Pensions, www.pensions.org

7. Make sure that you have the proper supplies.

Cokesbury Books & Church Supplies, www.cokesbury.com, has many of the supplies and resources you will need.

For minutes, you will need paper of at least 25% rag content (we recommend that you buy unnumbered paper); register fillers; minute and register binders. In addition to Cokesbury, Staples has paper with 25% rag content and register binders available on line at www.Staples.com. The brand of paper preferred by the Presbyterian Historical Society is Mowhawk Superfine.

Because register binders are very expensive, we recommend that when your minute book is filled, you have the pages bound and reuse your present binder. Pittsburgh Presbytery now uses Long's Roulet Bookbinders, 2800 Monticello Avenue, Norfolk, VA 23504, (757)-623-4244, bindlrbi@gmail.com. Even with having to pay shipping costs, this bindery provides a very high-quality product at a very reasonable cost (less than \$50 per volume including shipping for presbytery minutes). A local option is Steadfast Book Bindery, 938 Penn Avenue-Lower Level, Pittsburgh, PA 15222, (412) 281-1149, www.steadfastbookbindery.com, but their cost is substantially-higher than Long's.

Presbyterian Church (USA), Office of the General Assembly, 100 Witherspoon St., Louisville KY 40202 has the following supplies: member transfer forms and stubs; baptismal forms and stubs; postcards notifying another church that one of your members is in their area, and so forth. Note that this vital Presbyterian Church (USA) source of information and supplies can also accessed at www.pcusa.org

8. Plan to attend the annual clerk's training each year. You will receive notice of the training. Here you will receive answers to your questions, additional help, and fellowship with other clerks of session.

Responsibilities of Clerk of Session at a Glance

1. Keep a full and accurate record of the proceedings of the session (G-3.0204).
2. Keep the roll of session membership and attendance (G-3.0104).
3. Arrange for the careful preservation of session records (G-3.0104), making recommendation to the session for the permanent safe keeping of its records (G-3.0107).
4. Furnish extracts from the minutes when required by another council (governing body) of the church (G-3.0104).

5. Maintain and preserve rolls and registers required of session (G-3.0204a).
6. Be responsible for the preservation of the records of the Board of Deacons and the Board of Trustees (G-3.0204).
7. Be familiar with the responsibilities of the session as described in the *Book of Order* (G-3.0201).
8. Notify the session or congregation of special meetings, describing accurately the business that will be transacted. [Notification of annual and special meetings of the congregation usually is given on two successive Sundays (G-1.0501 and G-1.0502)].
9. Be sure that the annual statistical form requested by the General Assembly is completed accurately and reported to the PCUSA by the deadline noted in an email from the presbytery Stated Clerk in December or January. Note that the deadline for entry of statistical information is set by the PC(USA) and the presbytery staff cannot extend it. That email will contain the login and password information for your church. Clerks of Session are expected to enter this information themselves. If you are experiencing any difficulty with the on-line statistical entry system, please contact the presbytery office. Also, be sure to return other paperwork requested by the Stated Clerk by the deadlines noted.
10. Bring the session minute book and the rolls and registers to one of the Minutes Reading meetings of the presbytery for annual review. There are six minutes reading sessions scheduled each year.
11. Serve as secretary for meetings of the congregation (G-1.0507), making sure that the minutes are received by session and are inscribed in the permanent session minute book.
12. Bring all official correspondence to the attention of the pastor/moderator and the session, and respond as directed by the session.
13. Keep a list of unfinished business, including all matters referred to a committee or a staff member for later report to session, and remind the appropriate persons(s) if not reported expeditiously.
14. Be prepared to respond to questions of parliamentary procedure in meetings if requested. (Meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order (2011) except in those cases where the Book of Order provides otherwise (G-3.0105). Copies of *Robert's Rules of Order* and the latest *Book of Order* should be available at meetings.)
15. Receive and submit communications from/to other governing bodies.
16. Notify the Stated Clerk of the presbytery of changes in the membership of session.
17. Assist the moderator in preparing the agenda for session meetings, as requested.
18. Assist the moderator in church officer training when requested.

19. Remind moderator of required annual actions. The minutes review form is a great help in this.
20. In consultation with the moderator, prepare a statement of highlights of session actions and reports following the meeting for information for the congregation (may be included in the next issue of the congregation's newsletter). Note: Confidential matters should not be included.
21. May moderate the congregational meeting, if requested by the pastor or session vote with pastor's concurrence, during the pastor's salary review. If this occurs, a temporary clerk should be appointed.
22. File the PA Annual Non- Profit Corporation Report if you have had a change in your corporate officers during the preceding calendar year. The by-laws will specify who the officers are. If you do so, you will not have to pay the state Decennial Filing Fee (\$70) in 2021.
23. Perform such other duties as may be assigned by the moderator or the session.

Time Line for Clerks Related to Session Meetings

Many clerks are aided by the church secretary. However, the clerk is accountable for the following responsibilities and directs the church secretary in the following tasks.

Two Weeks Before Session Send meeting notices. Contact committee chairs about unfinished and referred business for which they are responsible. Remind chairs that all recommendations need to be in writing with enough copies for the members of session.

The call of a special meeting must include the exact purpose for which the meeting is called and no business other than that named can be transacted. The phrase, "and such other business as may come before session" is not adequate in the call of a special meeting.

One Week Before Develop the docket of the session meeting with the moderator so that all business is handled in the most efficient manner. The docket becomes the outline for the session minutes.

Prepare draft minutes with all of the information that you already have to make it easier to record the actions at the meeting and prepare accurate minutes.

Session Meeting Seek approval of the minutes of the previous meeting and record the minutes of the meeting.

Most sessions have found that written reports enable the flow of business. In such reports historical and informational material always comes first in the report and the recommendations come last. Only the recommendations appear in session minutes unless session orders the entire report on the minutes. Many sessions find it very helpful for committees to have their reports ready in time to be mailed with the call of the meeting.

After the Session Meeting Write the minutes. They may be mailed or sent via email to all session members. If the minutes are not mailed, send excerpts from the minutes to each chair of all motions related to the particular committee.

Complete all correspondence directed by the minutes, including letters of transfer. Remember that all correspondence between the governing bodies of the church is "clerk to clerk."

Record in the rolls and registers all membership changes ordered by session.

NOTE: These are manageable tasks if done regularly. If a clerk falls behind, the task becomes very difficult and memory fades. Set a regular schedule for yourself.

Some clerks have church administrative assistants who have the primary responsibility for the minutes and the rolls and registers. The clerk of session supervises the administrative assistant in all matters related to the minutes and rolls and register. The accuracy of these records is the clerk's responsibility, not the administrative assistant's.

What to Take to the Session Meeting

You are responsible for all papers and documents that aid the session in reaching its decision. It will be helpful to have at each meeting:

- a current *Book of Order*;
- the congregational bylaws;
- the session committee membership list;
- the current-year session minutes;
- a list of all referred and unfinished business;
- a copy of *Robert's Rules of Order*.

Notes on Session Meetings

1. Session meetings may or may not be regarded as open meetings, depending on the by-laws, written policies, and common practice of the church. Keep in mind that the general preference is for open meetings.

If the meeting is closed, attendance is restricted to the members and any guests (such as staff) whom the session invites. Members of the congregation wishing to attend are to secure an invitation from the moderator or the clerk. The session should convene without those who asked to be invited; the moderator or clerk explains the reason for the request to be invited, and the session affirms the invitation – either by general consent or by a motion seconded and passed – or does not affirm it. It is the session's meeting, and only the session can render it open to invitees.

A session may, if it wishes, adopt an "open meeting policy" which in effect invites any or all members of the congregation to all meetings unless a decision is made to close a meeting or part of a meeting to consider sensitive, confidential matters.

In either an open, or a closed meeting, those who are not members of the body do not have "voice" or the right to address the body unless they are granted that privilege.

2. The pastor of the church is the moderator; where there are co-pastors, they alternate moderating the session meeting. When the pulpit is vacant, either the interim pastor or another pastor appointed by the presbytery is the moderator. A session cannot meet in the absence of the pastor/moderator except:

- a. If the pastor thinks it advisable, he/she with the session's concurrence invites another minister of the presbytery to moderate.
 - b. If the session is directed to meet by presbytery, the clerk and/or the moderator consult with representatives of the presbytery; depending on circumstances, it may be advisable for a representative of the presbytery to moderate the meeting.
 - c. If there is no installed pastor or if installed pastor is unable to moderate and cannot name another minister of word and sacrament as moderator, the presbytery will appoint a moderator (G-1.0504).
4. A quorum of session must be present to have a legal meeting at which actions may be taken. The session or the bylaws of the congregation set the quorum for the session. A suggested quorum of the session might be the pastor or other presiding officer and one third of the elders or a specific percentage. For the reception and dismissing of members, your session's rule might even set the quorum as the moderator and two members of the session as it was in the in the *Book of Order* prior to 2011.
5. Session meetings in most churches are informal. As Clerk, however, you can require that all motions be in writing. Stop the meeting if you must until you are given the exact wording of the motion in writing.
6. You may find it necessary to help members of session word their motions. Helpful questions to ask about every session action are:
- What exactly is going to be done?
 - Who is going to do it?
 - When will it be completed or reported?
 - How much will it cost?
 - Where will the money come from?
 - Is the action compatible with the *Book of Order*? [If it is not, the action is null and void.]

Electronic Session Meetings and Voting

Sometimes matters that need immediate action arise when calling a traditionally session meeting is impractical. For those cases, the session may adopt a policy for electronic meetings. A policy should include provisions to reach all members, for two or more members to object and thus cancel the electronic meeting, and for any decisions to be included in the minutes of the next regular session meeting. If the session adopts such a policy, then the policy should be recorded in the minutes of the session meeting and included in the manual of administrative operations.

SESSION POLICY ON ELECTRONIC MEETINGS (Adopted (date)) [SAMPLE]

In those cases where routine matters must be presented to the members of session for action before its next scheduled meeting, then session may conduct this routine business by conference call or electronic means which bring members together, or by

polling, either by telephone or other electronic means. The requirements for such meetings are:

- A reasonable attempt shall be made to reach all members.
- There shall be a quorum of members responding.
- In the event that any two members object to the electronic or telephone procedure, then in that case the decision shall either be postponed until the next regular meeting or a special meeting must be convened.
- Any action resulting from a telephone or electronic meeting shall be confirmed at the next scheduled meeting, so that it can be included in the minutes of the session.

There should be a provision for voting in meetings conducted by telephone or internet, as contested voice votes can be very difficult to determine. If a matter is in controversy, perhaps a traditional meeting would be a better option?

The session may wish to consider provisions for individuals to participate electronically in an otherwise traditional meeting if technology, including hardware, software and internet bandwidth, permit. Keep in mind that both the participant and the meeting site must have adequate, compatible technology.

Guidelines for Session Minutes

Minutes of each session meeting must include:

1. Whether the meeting is a regular or special meeting.
2. The name of the church, the place, date and time of the meeting.
3. The name of the moderator of the meeting.
4. The opening and closing of each meeting with prayer.
5. The roll, listing elders present, elders absent and any who are excused; the clerk, moderator, and other staff present or excused; others present and their identity. (Please use first and last names.)
6. The affirmation of a quorum (G-3.0203). Unless the quorum is lost during the meeting, the Clerk's certification of a quorum at the beginning meets this requirement; if the quorum is lost, the minutes should report that the Clerk advised session and its Moderator of that fact.
7. The approval of the agenda. (In case of a special meeting, the call to the meeting stating the purpose becomes the agenda.)
8. The approval of the minutes of the previous meeting. (Any corrections of previous meeting minutes may be listed, or the minutes may be considered as a draft until the corrections are made and the minutes are approved.)
9. Clerk's report: may include correspondence, announcements, and report of the serving of the Lord's Supper, in addition to listing of baptisms, marriages, changes in membership rolls.
10. Minutes record what was done, not what was said. If included, reports of the pastor, other staff, and the treasurer and committee chairpersons should be summarized in the minutes and, alternatively, may be appended thereto. A carefully selected inclusion makes the minutes a more valuable historical record of the church. The clerk has wide discretion, but should be sure that the inclusion represents the wishes of the session.
11. All motions and amendments, if any, and whether they passed or failed.
 - Record the names of those making motions, but not the second. Just record that the motion was seconded, if a second is necessary. Matters from committees do not need a second.
 - Details of discussion should not be recorded, except when needed to give a sense of the action.
 - Unless asked to do so, do not record the numerical outcome of votes taken, or the names of those who voted in opposition.
 - Rules for abstentions may be found in *Robert's Rules of Order*.
 - Please ignore anything you have been told to the effect that failed motions do not need to be recorded; you are to record the disposition of ALL motions.
12. Be especially careful and diligent in recording all actions taken to hire, compensate, evaluate, discipline, or terminate non-ordained staff.

- When the session hires a non-ordained member of the staff, enter into the minutes of the meeting the full and complete employment agreement or contract. Upon the annual review of the person's compensation, record any changes as follows: "On the recommendation of the Personnel Committee, the hourly rate of pay for the Custodian was increased from \$10 to \$12.50, effective January 1, 20**."
- Record every evaluation of non-ordained staff that the Personnel Committee reports to session. In every instance where the evaluation indicates less than satisfactory performance, record any remedial course of action that the Personnel Committee proposes.
- In the event that termination of an employee is recommended, record the Personnel Committee's report that the relevant provisions of the personnel policies have been followed. Be clear in the record that the session, acting in a legal meeting with a quorum present, voted to terminate the employee. The record must not indicate that any individual, or any entity other than the full Session, took this action. Record any severance agreement or terms in full.

13. When a previous action of the session is referred to, the page on which it is recorded, or the date of the meeting at which it occurred, should be designated.

When appropriate, include the following:

14. The prior authorization by the session of the celebration of the Lord's Supper (W-3.0410). Note: The administration of the Sacrament of the Lord's Supper must be reported at the next succeeding regular meeting. When the sacrament has been administered to those unable to attend public worship, the name of the minister officiating and the name of the elder or elders assisting should be noted. (This may be part of the clerk's report or the report of the worship committee.)

15. The prior authorization by the session of each Baptism (W-3.0403). The administration of the Sacrament of Baptism at the next succeeding regular meeting, giving the full name of adults baptized including the birth name if different; the record of infants baptized, noting the name of the child, date of birth, and the names of the parents or the one rightly exercising parental responsibility and may include the parents birth names, if now different. (This may be part of the clerk's report, the pastor's report or that of the appropriate committee.)

16. The full name of applicants for church membership and the manner of their reception:

- a. By profession of faith, previously baptized
- b. By profession of faith and baptism
- c. By re-affirmation of faith
- d. By letter of transfer, giving the name of the church from which received

17. The full title of the church to which a certificate of transfer is granted and the full name of the person transferred with the date of transfer.

18. Record the job descriptions for employed personnel, both clergy and non-clergy, as they are approved.

19. Name of elders elected to be commissioners to meetings of the presbytery, and the exact period for which elected (G-3.0202).
 20. Record that commissioner(s) to a presbytery meeting made a report on that meeting to the session. The report may be summarized.
 21. When the session finds it necessary to exercise discipline, the Form of Government and the Rules of Discipline should be carefully studied by a committee of the session and if discipline be administered, the minutes of the session must contain such a record of the proceedings, which will enable the presbytery to know who was disciplined, why and how. If you need guidance regarding a disciplinary matter, contact the stated clerk's office as soon as possible.
 22. In case of a sale, mortgage, gift or lease of property, the session records must show (in addition to the record of congregational approval as stated in the *Book of Order* (G-1.0503d & G-4.0101):
 - a. Name, address and legal description of the property
 - b. Name of buyer/lessee
 - c. Sale price
 - d. Loan amount purpose and terms, including the name of the lender
 - e. Lease terms and liability insurance
 - f. Concurrence of the presbytery
 23. If a report is received, note that in the minutes. If the report contains recommendations for actions, those become main motions of the body and are acted upon.
 24. If the session endorses, approves, or otherwise adopts a report, or a policy they become the position of the adopting body. The full text of adopted reports and policies must be placed in the minutes. They may be added as attachments to the minutes.
- Be sure the following are included each year:
25. Approval of the annual budget (and include budget itself in minutes).
 26. Approval of the distribution of the church's benevolences
 27. The annual review with each pastor of the adequacy of compensation
 28. The recommendation to be made to the congregation for changes or for no change in the terms of call for each pastor
 29. The annual review by the personnel committee (or other responsible body appointed by the session) of the adequacy of compensation of all paid staff
 30. Whether new officers have received training and been examined (G-2.0402)
 31. The ordination and/or installation of elders and deacons at the next succeeding meeting
 32. The recognition of trustees (if any) at the next succeeding meeting
 33. That property and liability insurance has been obtained (G-.0201) (Insert photocopy of the church's certificate of insurance.)

34. An Annual Audit or Review of Financial Records (G-3.0113) and Annual Review of the work of the Deacons (if any) (G.2.0202)

At the last meeting of each calendar year or the first meeting of the next calendar year, please include the following in the Clerk's Report:

35. Record that job descriptions have been approved for all employed personnel, both clergy and non-clergy, and indicate by page number where the latest job description for each staff person is located in the minute book.

36. Record changes during the year in the Session, the Board of Deacons and the Trustees through death, resignation, or removal.

37. State the composition of the session with regard to racial ethnic members, women, men and age groups, and how this corresponds to the composition of the congregation. (Photocopying the annual statistical report required by the General Assembly into the session records may fulfill this requirement.)

38. If the congregation has a Board of Deacons and/or Trustees, report in the minutes where their records are kept.

39. Include an Annual Narrative Report. (Moderator's annual report or periodic reports to the session of ongoing church life will satisfy this request.)

40. The Annual Report produced by the church may be inserted in the minutes, but may also be introduced by reference. If the latter, care should be taken that the Annual Report is preserved as part of the permanent record of the church.

Keeping minutes safe:

41. Electronic storage, in place of paper storage, is not acceptable because there is no way to attest by signature to the accuracy and correctness of the documents and due to long term storage and accessibility problems.

42. Because official church records are to be held in perpetuity, the only ways that are acceptable for keeping these records are to have them on paper, printed with a laser printer or copier on acid-free paper. Microfilm is no longer recommended for permanent storage as microfilm readers become scarcer.

43. Minutes may be kept in bound books or in minute binders. When those in loose-leaf binders are to be stored, store the pages in archival boxes. Do not store minute pages in PVC binders as the chemicals from the binder will leech onto the pages contained therein.

44. It is important that pages be numbered consecutively, both sides of the page, including any attachments. It is especially important for loose pages or pages kept in a loose-leaf binder to be numbered. If a page or section of a page is intentionally blank, mark it with a stamp that says "Intentionally Left Blank" or mark with a large X.

45. Acceptable numbering schemes are:
- a. A one-up numbering system beginning at as early a time as possible.
 - b. A one-up numbering system that starts over at the beginning of each year. In this case, consider some system, such as a note in a header or footer, which keeps track of the year.
 - c. Pre-numbered pages in a bound book.

46. Note that the *Book of Order* requires:

Each council shall keep a full and accurate record of its proceedings. Minutes and all other official records of councils are the property in perpetuity of said councils or their legal successors. When a council ceases to exist, its records shall become the property of the next higher council within whose bounds the lower council was prior to its cessation. The clerk of each council shall make recommendation to that body for the permanent safekeeping of the body's records with the Presbyterian Historical Society or in a temperature and humidity controlled environment of a seminary of the Presbyterian Church (U.S.A.). (G- 3.0107)

47. The Presbyterian Historical Society will preserve records for congregations. See their web site <http://www.history.pcusa.org/> or call them for information. Their address is 425 Lombard St., Philadelphia, PA 19147. Telephone: 215-627-1852, Fax: 215-627- 0509. Hours are Monday through Friday 8:30 a.m. to 4:30 p.m.

Records of existing congregations remain the property of the congregation and may be recalled at any time if needed. In addition, records that are more than 50 years old may be made available to researchers, especially genealogical researchers.

A copy of a sample minutes form is available on the Stated Clerk's page of the Pittsburgh Presbytery's website, www.pghpresbytery.org, under Forms and Resources.

A Suggested Notebook for Session Members

Some churches have developed notebooks, or manuals, for each session member that include the necessary documents and information for intelligent decision-making. Such a tool is particularly helpful in orienting new session members to their task. Suggested items for such a notebook include:

Introduction or Letter from Pastor and Clerk of Session;

Information on Church History;

Information on Church Programs and Activities (Include contact people, telephone numbers and/or email addresses, meeting times and places.);

List of Church Officers and Staff (Includes names, addresses, email addresses, and telephone numbers.);

Bylaws of the Congregation;

A Summary of Session Functions, Duties, and Responsibilities (Includes ordination vows.);

A List of Session Committees (Include objectives and duties and a list of committee members.);

A List of Other Committees such as Deacons, Presbyterian Women, Presbyterian Men;

The Current Annual Budget;

A List of Special Purpose Funds;

Special Rules and Regulations;

Session Minutes;

Church Membership List;

Notes.

Session and its Relationship to Other Organizations

Session supervises all organizations of the congregation. All organizations of the congregation are accountable to session. All organizations should make a financial and programmatic report to session and the congregation annually.

Board of Trustees (G-7.0400; G-8.0000)

The Board of Trustees is accountable to the session. Their powers as trustees are listed in the *Book of Order* at G-7.0402 and shall not infringe on the powers of session. The *Book of Order* section G-7.0401 provides that the active elders shall be the trustees of the corporation unless the by-laws provide otherwise. Having such a unicameral board eliminates conflicts between the session and the board of trustees.

Recommendation #1: it is possible for session to delegate powers to the trustees, although session is still responsible for delegated powers.

Recommendation #2: the budget should be prepared by the board of trustees and the session together.

The Board of Deacons (G- 6.0400)

The board of deacons is accountable to session; chooses its own officers; meets annually with the session; and must submit its plans to session for approval. The pastor(s) are advisory members of the board of deacons.

Nominating Committee (G-14.0200)

The church nominating committee is a committee of the congregation, not of session. They do not report to session; although the committee may wish to consult with session. The pastor is an ex-officio member of this committee.

Pastor Nominating Committee (G-14.0502)

The pastor nominating committee (PNC) is a committee of the congregation, not of session. The committee has several points of contact with the session:

PNC develops the church information form and the long-range plan.

Session approves both documents.

PNC negotiates the salary of the new pastor in consultation with the session/board of trustees.

PNC requests session to call a congregational meeting when it is ready to bring a candidate.

Session and Personnel (G-10.0102n)

Session supervises all ordained and unordained personnel. Session recommends to the congregation the salaries of all ordained personnel. This recommendation must meet the minimum guidelines set by presbytery. The current guidelines may be found on the presbytery website.

Outside Organizations

Session controls the use of all church property, even to granting permission for the sanctuary to be used for weddings. If outside organizations use your building, be sure the purpose of the organization using the church is not contrary to the mission of the congregation or the Presbyterian Church (USA). It is wise to have a written contract with all organizations using the church building, stipulating any rental fee, maintenance standards, and rooms of the church to be used. It is also recommended that you have “use of the building” guidelines in print.

Be particularly careful if the outside organization includes children to make sure that the organization has an appropriate child and youth protection policy or that it complies with your congregation’s policy.

The Clerk of Session and the Congregational Meetings

Clerking the Congregational Meeting

1. An annual meeting of the congregation is required (G-1.0501). Special meetings must/shall be called by the session when it deems it necessary; when requested in writing by one-fourth of the members on the active role; and when session is directed by presbytery to call a meeting.
2. The clerk of session is secretary to the congregational meeting, both ecclesiastical and corporate. (G-7.0307) If your congregation does not have a unicameral board (G-7.0307) the congregation elects the secretary of the corporate meeting. The person elected may be the clerk. (G-7.0403)
3. The nature of the business to be conducted governs the notice of meeting requirement. The Book of Order requires that “adequate public notice be given” and that the by-laws provide a “rule for minimum notification requirements” (G-1.0502). Ordinarily, two Sundays of notice, which may be written in the bulletin or made verbally or both suffice – and the meeting can be held on the second Sunday. But when the purpose is to elect a pastor nominating committee, or to hear its report and vote on it, a suggested notice requirement is at least ten (10) days including two Sundays.
4. Meetings of the congregation related to the pastor nominating committee are special meetings, and there are to be no other agenda items. Other special meetings may be called to consider matters related to the powers and responsibilities of the congregation (G-1.0503), and will have limited agendas.
5. A congregational petition for the session to call a congregational meeting, in addition to the requirement that it must be signed by one-fourth of the members on the active roll, must be called to consider one of the matters outlined in G-1.0503. If it is called to consider any matter outside the scope of this provision of the Form of Government, session is to decline the petition, with full explanation.
6. Check the *Book of Order* and your by-laws for the quorum of the congregational meeting. (G-7.0305)
7. If a quorum is not present as the meeting begins, notify the Moderator; the members present may recess and seek a quorum, or the Moderator may adjourn the meeting. If the meeting proceeds in the absence of a quorum, absolutely no votes are to be taken.
8. A rolling congregational meeting is one in which a church has two or more services on a day when a pastoral candidate is heard and will be voted upon, or an item of business is considered that cannot be amended. A vote is taken at each service when the congregational meetings take place. Votes will be kept in a locked box until the last congregational meeting and then counted together
9. As clerk, you should take particular care to alert the moderator of the congregational meeting when business is out of order. You will find a careful listing of such business in the *Book of Order* (“permissive powers” relates to adopting congregational bylaws, establishment

of a unicameral board, waivers from election of officers, raising of the quorum, and buying, selling, and mortgaging of real property).

10. The budget is adopted by session, not the congregation. However, session must inform the congregation of the budget. If the congregation does not approve of the use of its gifts, the members will not give. [Recommendation: at an informal meeting of the congregation after worship or a church supper, session should present the budget, invite comment, and solicit suggestions. No actions should be taken at this meeting.]

11. The pastor(s) salary must be approved annually by the congregation and reported to presbytery for its approval. The Commission on Ministry will provide this form. (G-7.0302 G-7.0304(3)). The congregation "approves the pastor's salary for recommendation to presbytery."

12. Proxy voting is not permitted in church meetings, ecclesiastical or corporate.

13. Always be prepared for a paper ballot vote to elect officers. If there is more than one nominee for an office, the election must be by ballot. (G-14.0204b).

14. The election of a pastor is always by paper ballot.

15. Since only members on the active roll can vote, have your roll book current and bring it with you to the meeting. If there is considerable tension about a particular vote, have active members of the Congregation come to your desk to pick up a ballot.

16. If your congregation does not have by laws, please contact the Stated Clerk for information about how to establish them.

Minutes of Congregational Meetings

Minutes of all congregational meetings shall be included in the session record book along with session minutes in one chronological order. Minutes of these meetings shall include:

1. Indication of whether the meeting is "regular" or "special", and if it is a "rolling" congregational meeting.

2. If it is a "special meeting," the minutes shall include the call to the meeting. The business to be transacted is limited to those items listed in the call for the meeting. (G-1.0501)

3. Name of the church.

4. Date, time, and place of the meeting.

5. Name of the moderator or presiding officer.

6. Presence of a quorum. Indicate the number of active members needed to satisfy the quorum requirement (G-1.0501), and record the actual number of active members present. (Congregations shall provide by rule the quorum necessary to conduct business. The quorum must be specified in the bylaws of the congregation.)

7. Opening and closing of the meeting with prayer.

8. A record of all actions, whether adopted or lost.

9. At a congregational meeting for the purpose of calling a pastor, in order for each person to be able to vote his/her conscience, a written ballot should be used.

10. Action by the congregation on each pastor's terms of call.
11. Minutes of the meeting of the congregation or corporation at which the annual financial reports are made should indicate, at least:
 - a. Report of a full financial review of the financial records (G-3.0205);
 - b. A complete, itemized report of income and expenditures for the year;
 - c. Provide the complete, itemized proposed budget adopted by the session for the coming year;
 - d. Details of the status of loans from the General Assembly, Synod, or presbytery, if any are outstanding.
12. If the congregation does not approve the minutes before adjournment, session may approve the minutes at its next scheduled meeting if this provision is part of the by-laws.
13. The clerk must attest (in ink) congregational meeting minutes. The moderator may also sign the minutes if the congregation has expressed its wish for him/her to do so.

The Clerk of Session and Rolls and Registers

Types of Members

The Rolls of the church should contain information about those who are members of the local church. It is the responsibility of the Clerk of Session to maintain, or to oversee the maintenance of the Rolls as required in G-3.0204a. Names of members shall be placed upon, removed, or deleted from the rolls of the church only by order of the session (G-3.0204a)

There shall be rolls of baptized, active, and affiliate members in accordance with G-1.0401, G-1.0402 and G- 1.0403. The session shall delete names from the roll of the congregation upon the member's death, admission to membership in another congregation or presbytery, or renunciation of jurisdiction. The session may delete names from the roll of the congregation when a member so requests, or has moved or otherwise ceased to participate actively in the work and worship of the congregation for a period of two years. The session shall seek to restore members to active participation and shall provide written notice before deleting names due to member inactivity.

An Active Member is one who has made a profession of faith in Christ, has been baptized, has been received into membership of the church, has voluntarily submitted to the government of the particular church, and participates in the church's work and worship. Record name, date received into membership, and method of reception. Record date of removal from the particular role and whether by death, transfer to another church, or removed.

A Baptized Member is one who has received the Sacrament of Baptism but has not made a profession of faith in Jesus Christ as Lord and Savior. This includes adults who were baptized in that particular church who have not made a profession of faith and baptized children of active members or pastors related to the particular church. The 217th General Assembly issued a "clarification of meaning" to this definition to include children of active members who have been baptized in a Christian church (Trinity baptism) but who have not yet been received as Active Members (confirmed). Record the name, date of baptism (if known), church where Sacrament of Baptism occurred. When a profession of faith is made, or when the person moves from the community, note that in the record, but do not obliterate any name from the baptized register. This is an historical document.

To fill out the question on the General Assembly statistical report on "number of persons on the baptized roll", count the names listed on your baptized roll, or register of baptisms. This includes minor children of active members and/or ministers, and any other persons baptized in your church for whom the church feels a current pastoral responsibility. If your roll book does not have a baptized roll, it will be necessary for you to use the register of baptisms. In this event you will need to make note of the changes on the register related to the changes in membership.

An Affiliate Member is one who is an active member of another church of this denomination or of another denomination or Christian body, who has temporarily moved from the community where the church of active membership is located. Affiliate membership must be renewed

every two years. An example of an affiliate member would be a college student living in your community while attending school. Record the name, date of affiliation, name of home church, date of renewal, date of return to home church.

Note from the Stated Clerk: You may notice that there is no inactive roll, as there has been in Books of Order prior to 2011. The session may choose to maintain another participant's roll or an inactive roll, however, and, if it does, then the rules for keeping an individual on that roll or for deleting such an individual should be determined by the session, recorded in the minutes of the session, and kept in a Manual of Administrative Operations. The former definition is this: An inactive member of a particular church is one who does not participate in the church's work and worship. An inactive member is entitled to all the rights and privileges of an active member except the right to speak in the meetings of the congregation and to vote and hold office.

Roll Books

Roll books usually provide double pages for a chronological roll by date of reception into membership with columns for name, how received, name of church from which member transferred if that is the manner of reception, date of deletion from the active roll and reason—by death, inactivity, or transfer, in which case the name of the church to which the member is transferring is listed.

Pages may be provided in the same binder for an alphabetical listing of members along with the membership number that is assigned in the chronological roll. Many find it easier to keep the alphabetical listing electronically, printing the list, along with the member number, at least annually. Pages also should be provided for Baptized, Affiliate and pages for Other Participants or Inactive members may also be included in the same rolls binder. Pages containing columns for the information requested may be obtained through Cokesbury.

Paper vs. Electronic Rolls

For many of the reasons that appropriate paper records of session minutes are required, a chronological paper record of rolls and registers shall also be kept. Electronic records are useful for counting the various categories of members and for keeping an alphabetical list. Paper rolls are chronological and should have the full name, date joined, and how joined (letter of transfer, profession, reaffirmation) as a minimum. If by letter, record the name of the church. It should record the date of removal from the roll and the reason. A one-up roll book number makes it possible to cross-reference alphabetical lists with chronological lists. These are the minimum items for an electronic roll, too. We suggest adding to an electronic roll the information that the Annual Statistical Report asks for, such as gender, racial/ethnic identity, disability (if applicable), and date of birth (for calculating ages). Many old roll books contain a section for adding member names in an alphabetical order, at least by the first letter of the surname. That function may best be done via an electronic roll. Print an alphabetical list, with roll book number, at least annually, and keep this alphabetical list with the paper Roll Book.

Registers

Registers are historical records and need to be carefully maintained. It is the responsibility of the clerk of session to maintain or oversee the maintenance of registers as required in G-3.014 which says it is the duty of the Clerk to “maintain and required registers” which would include “baptisms authorized by the session, ruling elders and deacons, installed pastors with dates of service and such other registers as the session may deem necessary.” (G-3.02040).

Most sessions maintain the following registers:

Register of Marriages shall include marriages of members of the church, all marriages conducted by the ministerial staff of the church, and all marriages performed on church property.

Register of Infant and Adult Baptisms shall include name, parents’ names, and date of birth of those being baptized.

Register of Ruling Elders shall include each elder’s name, the name of the church in which each was ordained, date of ordination, terms of active service, and record of removals.

Register of Deacons shall include each deacon’s name, the name of the church in which each was ordained, date of ordination, terms of active service, and record of removals.

Register of Ministers of Word and Sacrament shall include the names of Pastors, Co-Pastors, Associate Pastors, and Temporary pastoral relationships serving the church, with dates of service.

The Clerk of Session and the Presbytery

Interactions between Session and Presbytery

Official communication between session and presbytery is from the clerk of session to the stated clerk of presbytery. The relationship between the session of a congregation and presbytery is set forth in the *Book of Order* and in the Manual of Pittsburgh Presbytery. Each minister has a copy of this Manual. The Manual and most of the information routinely needed by Clerks of Session can be found on the presbytery's website, www.pghpresbytery.org. Sessions interact with presbytery in the following ways:

Sending Commissioners to Presbytery Meetings

Presbyterian polity is a representative polity. It works only when each church takes seriously its responsibility to elect elder commissioners who attend the meeting and stay through the end of the meeting, and report to the session. There are four regular presbytery meetings each year: February, May/June, September, and December. A list of presbytery meetings for the present year is available on the Stated Clerk's page of the Pittsburgh Presbytery's website, www.pghpresbytery.org, under Forms and Resources.

Each session is responsible for electing commissioners to presbytery. The number of commissioners depends upon the size of the congregation. (G-11.0101) The number of commissioners to which a congregation is entitled also varies according to the annual plan for ruling elder equalization. Before the first presbytery meeting of each new year, the clerk of session will be notified of the number of elders to which the congregation is entitled.

Churches are encouraged to elect their commissioners for the entire year, preferably for two or three years. Some churches elect different commissioners for each meeting. It is even possible to elect a commissioner for the first half of a presbytery meeting and another commissioner for the second half.

A session which does not attend at least half of the presbytery meetings in a given year is not eligible to propose an elder for nomination as a commissioner to Synod or General Assembly.

Notices of presbytery meetings are sent to clerks of sessions to be distributed to the duly elected commissioners before the presbytery meeting by email. Business papers for the presbytery meeting are available on-line at the presbytery's web site, www.pghpresbytery.org, on the Friday before the presbytery meeting. Informational and promotional papers are distributed at the presbytery meeting. These papers should be distributed by the commissioners when the commissioners return to their churches.

Each commissioner is required by the *Book of Order* to report to session about the meeting:

- significant actions taken by the presbytery;
- a summary of issues deliberated upon;
- policy decisions made;

implications of presbytery actions for the congregation;
concerns and opportunities open to the congregation through presbytery;
raising of consciousness of the congregation's participation in the total ministry of Jesus Christ.

Nominations to Presbytery Units and Standing Committees

Presbytery is always looking for particular skills and interest among the members of our congregations. Pittsburgh Presbytery is also committed to finding racial/ethnic minority members of our churches with skills and interest in serving on a presbytery committee. Nomination forms are available from the presbytery office. Please share the gifts of your congregation with your presbytery. Return the forms to the Office of the Stated Clerk.

Annual General Assembly Statistical Report

The Annual General Assembly Statistical Report is session's report to the General Assembly and is the specific responsibility of the session and the clerk of session. It is sent by the stated clerk of the presbytery to the church, addressed to the clerk of session. The report is sent out the last week of December. If it has not arrived by the first week of the New Year, please call the stated clerk's office immediately. The report usually is due between February 10th and 15th. Reports and Clerk Questionnaires are to be submitted electronically. The deadlines for these reports are set by the Office of the General Assembly and Pittsburgh Presbytery is unable to extend them. If you have missed the deadline stated in the cover letter sent with the report, call the stated clerk's office immediately. If you are too late or do not submit at all, membership and financial figure from the previous year will be used. This does a great disservice to the congregation, particularly if it is searching for a pastor. Your church's *per capita* assessment is based on these membership reports.

Instructions on how to complete the report are accessible from within the program. If you find that you made an error after submitting the report, the Stated Clerk's office is still able to make corrections for a brief time. Please notify the office as soon as possible.

Annual Review of Session Records

The presbytery holds several opportunities for the required annual review of records. The meetings are usually held in the different branches of the presbytery to shorten travel distances, but clerks are welcome to come to any of the meetings. At the meeting clerks will have an opportunity to read the minutes kept by another clerk and to ask questions of and share experiences with other clerks.

A list of this year's minutes review meetings available on the presbytery website under "Forms and Resources/Stated Clerk Resources" as are the Session Minutes Review Form and the Examination of Rolls and Registers form.

After you have completed the appropriate forms, please make a copy of each and bring both the original and the copy to the review session.

Annual Review of the Call

Each year the session is required by the *Book of Order* to review the adequacy of the salaries of all pastoral staff. If session wishes to make any change in the terms of call as they were last approved by presbytery, the change in terms of call must be brought to the congregation for approval, contingent upon the approval of presbytery which, finally, approves all terms of call and all changes in terms of call. Annually, the Commission on Ministry sends to each session a form upon which to report changes in terms of call. As soon as the congregation has approved new terms of call for its pastor(s), the call forms must be returned to the Commission on Ministry for recommendation to presbytery. Please be sure that this form is returned each year. The terms of call report must be submitted even if you already have submitted a renewed contract for a temporary or interim pastor.

Minimum Compensation for Pastors

Each September, the presbytery adopts minimum terms of call for all installed pastors. All terms of call must meet this minimum standard for presbytery to approve the call. The minimum terms of call are published to the churches each fall through a letter to the session from the Commission on Ministry. Annually, session will receive notification of minimum terms of call as soon as they are adopted by presbytery.

Approval of Certain Actions

Certain actions sought to be taken by sessions must first be approved by presbytery and/or a committee thereof, including sale or encumbrance of property, taking an Inquirer under care, changing the name of the church, waiving the limitations of terms of officers, etc. A copy of the form to request waiver of limitations of terms of officers is available on the Stated Clerk's page of the presbytery website, www.pqhpresbytery.org, under Forms and Resources. Each of these requests must be submitted well in advance of the presbytery meeting at which they are to be approved. Deadlines for submission of waiver requests are posted on the presbytery website and publicized in the presbytery papers.

Overtures to Presbytery, Synod, or General Assembly

A member of the congregation may ask session to petition the presbytery. A session may petition or overture presbytery or synod or General Assembly through the presbytery. Session cannot overture Synod or General Assembly directly. Overtures must be presented to and approved by the presbytery in order to meet published deadlines set for each General Assembly and must comport with the rules set forth for the assembly. For information on overtures, including deadlines, contact the Stated Clerk's office.

Assistance with Required Policies

All councils are required by the Book of Order to have a manual of administrative operations, a sexual misconduct policy and a child and youth protection policy. (G-3.0106). The Stated Clerk's office can provide assistance and examples if your church needs to prepare one of these

policies. Child and youth protection policies, which often also cover vulnerable adults, should be highly customized to suite the circumstance of each church. A free resource to assist with drafting a child and youth protection policy may be found at: <https://www.insuranceboard.org/safety-resources/safeconduct-workbench/>

Standing Rules of Pittsburgh Presbytery Relating to Particular Churches

The Manual of Pittsburgh Presbytery includes the following standing rules relating to a particular church:

1. All calls to pastors and contracts with ministers of presbytery, and all changes in terms of call shall be approved by presbytery in accordance with the minimum salary guidelines established by presbytery.
2. When a pastor receives permanent disability benefits from the Board of Pensions, the contract among the pastor, the particular church, and presbytery is automatically terminated.
3. The dissolution of a pastoral relationship by presbytery shall not become effective until the terms of the contract among the particular church, the pastor, and presbytery have been met in full by the particular church.
4. Each of the particular churches of presbytery shall consider payment of its *per capita* apportionment to be a first claim upon its congregational contributions. However, presbytery is obligated to pay its full *per capita* assessment to the General Assembly and the Synod whether or not it collects the full amount from the particular churches.
5. The sessions of the particular churches of presbytery shall submit their minutes and registers annually for administrative review. The minutes and records shall be placed in a post binder and be on paper of at least twenty-five per cent (25%) rag content. The minutes shall be printed on both sides of consecutively numbered pages. The Annual Report to General Assembly, or a photocopy thereof, shall be entered in the minutes, and the minutes and registers shall show adherence to the requirements of the Form of Government.

Time Line for Clerks Related to Presbytery

- January Complete your annual statistical report and submit it by the announced annual due date (usually mid-February). Do not wait for your congregational meeting.
- February Prepare your Minute Book and Register for the annual administrative review by presbytery. Fill in the requirements form with the requested page numbers for each book.
- Announce presbytery meeting dates for the year. Session elects commissioners for each meeting according to the number of commissioners assigned to your church for the year. You will be informed of the number before the February presbytery meeting.
- Plan to attend the annual Clerks' Training.
- March - June Bring your Minutes and Register to presbytery for annual review. Prepare to stay and read another clerk's records. You will receive notice of specific dates at the February presbytery meeting. Remember that you may attend any minutes reading. A make-up session typically will be held in September at the presbytery offices.
- Fall Send all necessary requests for waivers to the Stated Clerk well before your proposed ordination and installation date. Ordination and installation cannot take place until presbytery has approved your request for waiver. A copy of the waiver request form is available on the Stated Clerk's page of the presbytery website, www.pghpresbytery.org, under Forms and Resources.
- Information regarding the Stated Clerk's Annual Questionnaire and a link to complete it online will be emailed from the Office of the General Assembly.

The Church and Civil Law

Churches interact with civil law in a number of ways. Litigation has become more and more frequent against churches in recent years, and while the following discussion is not to be taken as legal advice, it is meant to highlight a number of things that the Clerk of Session will want to bear in mind as he or she regularly becomes involved in or aware of events within the church.

The discussion is intended to accompany legal advice and opinions which session may receive from the church's own lawyer from time to time. Church law is becoming a specialized field of the law. IF SESSION IS AT ALL IN DOUBT, CONSULT AN EXPERIENCED LAWYER FOR HELP.

Corporation Law

If the individual local church you serve as Clerk of Session has grown beyond the development stages, it has no doubt been incorporated within the Commonwealth of Pennsylvania as a religious, non-profit corporation. As a corporate entity, the church is distinct from its members, its moderator, and its Clerk of Session, and it is important to continue to do the things that are necessary to ensure that the church's separate corporate identity is maintained. In this area federal, state and local laws come in to play, not the *Book of Order*.

The Clerk of Session will want to locate the church's legal incorporation documents. In recent years it has also become more and more possible to look up corporate status on the Commonwealth's web site. The Clerk of Session can visit: www.state.pa.us then click on the Department of State, and Search of Business to verify the church's status. [Note: If your church is not shown, don't panic, that may only mean that the church was incorporated well before the date after which the Commonwealth began scanning corporate records.]

To clearly maintain that separate corporate existence it's important to be certain the corporation acts like a separate entity. Thus, the Clerk of Session's role in taking minutes of session meetings, and keeping rolls of members and the like is crucial not only for Presbyterian *Book of Order* requirements but also for the requirements of corporate law to prove the entity is operating separately from its members.

Officers certainly need to be elected by the Church as a non-profit corporation. A Treasurer is a requirement, as is the recognition that the Clerk of Session acts as the corporations Corporate Secretary. Note that with unicameral boards the session (the ecclesiastical governing body) and the corporate trustees ("directors") are one in the same, thus from time to time separate corporate meetings may need to be formally held.

Contracts for church matters should be done in the church's name, not the pastor's name, an elder's name or Clerk of Session's name. Likewise, Pennsylvania's non-profit corporation law requires directors of a non-profit corporation to present annually to the members in writing an annual report signed by the president and treasurer. "Directors" of a Presbyterian church are the trustees. When the church is governed by a single board (the unicameral system) then the elders are also the trustees and, therefore, the directors. Thus, the annual *Book of Order* requirements of an annual report and annual audit also is required to maintain the corporate status.

Note that Pennsylvania law provides that no officer, director or trustee of a nonprofit corporation serving without compensation shall be liable for any civil damages, and the church's by-laws should have some provisions about that indemnity. (It is important to note that inclusion of a limitation of personal liability clause in by laws does not, however, replace directors' and officers' liability insurance or render such insurance superfluous). Session may wish to recommend to the congregation that the congregational bylaws be amended to include an indemnification clause for church officers.

Intellectual Property

Churches do not have the right to operate such that they violate any person's intellectual property rights, including copyrights on music (even church hymns), literature, curriculum, art or the like. Likewise churches cannot ignore trademarks owned by others (even, for example, the trademarked logo of the Presbyterian Church (USA)). Presbytery's website www.pghpresbytery.org has a wealth of information about copyright requirements, protection and licenses to be permitted to use copyrighted materials of others. We encourage you to make use of the presbytery information and blanket licenses.

Maintaining Non-Profit and Tax-Exempt Status

Clerks of Session will be aware that there are well-defined limits to what non-profit corporate entities can and cannot do so as not to jeopardize their tax-exempt status under federal and state laws. If session has any doubt about appropriate limits of the church's internal and external actions, it is clearly best to seek legal and tax guidance before undertaking activities that might tend to harm the corporation.

For example, recently some churches' non-profit status has been challenged. Non-profit bulk mailing privileges have been denied by some post offices. If you need to prove your non-profit status as a church, please contact the Office of Legal Services of the General Assembly who will provide you with a letter. An excellent resource for session is Church Law and Tax Report, published bimonthly by Christian Ministry Resources, P.O Box 1098, Matthews, NC 28106.

Along the way, the Clerk of Session should also help the office ensure that the Church has a current non-profit sales tax exemption certificate issued by the Commonwealth. The law changed in recent years to require that such exemption certificates must be periodically renewed.

Employer

As a separate legal entity, it is the church which employs secretaries, maintenance persons, custodians and the like, not the session or the pastor. It is recommended that session maintain a personnel committee to oversee the church's employment policies and practices so that all church employees are treated fairly and as required by the employment laws of the Commonwealth. The Presbyterian Church (USA) is particularly interested in church employees being properly treated, and there may well be personnel information and reference guidance available to the Clerk of Session through the national church's web site. Keep the following kinds of employment matters in mind:

Worker's Compensation -- Worker's Compensation must be paid for church employees who earn more than \$100. The church is liable for unpaid back compensation plus interest;

Unemployment Compensation -- Churches are not subject to Pennsylvania's Unemployment Compensation Law and services performed in the employ of a church, whether by a minister, organist, custodian or whomever, are not employment for which it is required to pay into the Unemployment Compensation Fund. A church may, however, elect to become subject to such law by proper application;

Social Security -- All non-profit organizations, including churches, are required to pay Social Security taxes for all employees receiving \$100 or more annually.

Liability for Personal Injury

Like anywhere else these days accidents and injuries can happen on church property, and it would be prudent for session to have clear policies set out in advance as to who should be notified and what should and should not occur when an unfortunate event occurs. Most certainly as well, the church must in these days be adequately insured for foreseeable contingencies; as required by the *Book of Order*. Insurance agents particularly knowledgeable about church insurance should be consulted.

Laws Regarding Mandatory Reporting of Child Abuse and Required Clearances and Background Checks.

Effective January 1, 2015, Pennsylvania enacted sweeping changes to its system of laws to protect children. Most notably for churches is the inclusion of pastors and many staff as mandated reporters of suspected child abuse. In addition, employees and volunteers who work with children are required to undergo background checks and clearances. A summary of these laws, including lists of frequently asked questions, is available on the Stated Clerk's page of the presbytery website, www.pghpresbytery.org, under Forms and Resources. It is our intention to update this document as needed. If questions arise that are not answered by this document, please call the Stated Clerk's office.

Please note that we advise that the church maintain copies of clearances obtained by staff and volunteers permanently.

Document Retention Policies

Each church should have a document retention policy. Pittsburgh Presbytery's policy, which may serve as an example, may be found at:

http://www.pghpresbytery.org/forms/pdfs/financial_tools/records_retention_schedule.pdf

The Presbyterian Historical Society's retention policy for congregations may be found at:

<https://www.history.pcusa.org/services/records-management/records-congregations>

Note that those records designated as requiring permanent storage are the ones that PHS will take into its collection on the congregation's behalf.