



Appropriate Questions for Interviews

There are a variety of federal and state laws which prohibit most employers from asking certain questions of job applicants, such as their race, national origin or disability status. However, the U.S. Supreme Court has carved out a “ministerial exception” for religious institutions, including churches, presbyteries, and synods. Typically, hiring and employment decisions made by church councils that relate to employees who perform ministerial or ecclesiastical functions are not subject to review or interference by the courts. This would include employees such as teaching elders, music directors, Christian educators and others who routinely perform worship, pastoral, and mission duties.

The *Book of Order* provides in G-2.0102 that “no person can be placed in any ordered ministry in a congregation or council of the church except by election of that body.” A council is responsible for the examining of teaching elders and candidates for ministry on their “calling gifts, preparation, and suitability for the responsibilities of ordered ministry” (G-2.0104b.). The answers to questions posed in the examination assist the discerning body in determining whether someone will be called to a particular ministry, ordained to the ministry of Word and Sacrament and/or received as a member of presbytery. A discerning body needs to consider what questions will elicit the information needed in order to make an informed decision.

The apostle Paul’s words are a good reminder: “‘All things are lawful,’ but not all things are beneficial. ‘All things are lawful,’ but not all things build up” (1 Corinthians 10:23). So, while it may be legal for the church to ask questions that would be considered illegal in the secular world, nevertheless all the questions a church asks should be solely for the purpose of enabling them to make decisions that will be beneficial for the building up of the church.

The church also stands on the foundation of our unity and diversity in Christ F-1.0403:

The unity of believers in Christ is reflected in the rich diversity of the Church’s membership. In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. **There is therefore no place in the life of the Church for discrimination against any person. The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership. No member shall be denied participation or representation for any reason other than those stated in this Constitution.** F-1.0403 (emphasis added)

Councils should take note that the Supreme Court left open the possibility of other types of employment-related claims based upon other theories of law. For example, the Court has issued no decision about whether a teaching elder is barred from filing suit if an employer is alleged to have breached an employment contract or made allegedly libelous or slanderous remarks about the teaching elder.