



# THE LEGAL ALERT

A MONTHLY PUBLICATION OF THE CHRISTIAN LAW ASSOCIATION

FEBRUARY 2025

# IS GOD STILL BLESSING AMERICA?



**We live in a country that has been blessed beyond measure.** As we say the Pledge of Allegiance, the fact that we can look back through American history and say that we are “one nation under God” is a miraculous feat. We can only see how God’s hand has crafted this amazing country and kept her safe through the years.

As we view this through a new lens, we can see the blessings all around us. We are fighting for religious liberty every day, and, while our battle continues, God has spared us from the immediate threat of an even stronger culture barrage. We need your prayers and support to fund this ongoing skirmish! As we consider God’s blessing on America, the following are a few items for us to consider as we journey through this next year:

## 1. Spend time growing closer to God every day.

If you want God to bless our country, do what God has called you to do. “If ye love me, keep my commandments.” (John 14:15)

## 2. Be God’s ambassador where you are.

Many describe this as “blooming where you are planted.” If you follow after God in your city, others will hear the Gospel. Legally, we are fighting for you to have these rights for yourself as well as for generations to follow. These rights are only one generation away from being lost. We must use

these rights while we have opportunities, because America and the rest of the world need to see sincere, God-fearing men and women who take God’s command to win souls seriously.

## 3. Support the mission of CLA by praying and giving.

We are inundated with legal questions and situations each day from believers across America who simply want to follow God’s call on their lives. If these Christians are legally stopped from accomplishing God’s will, how can they witness effectively, train children in a safe and informative environment, or be the lighthouse in their workplaces and communities that they ought to be? We need Christians to be effective in their local communities to follow God’s plan for their lives, and we are here to assist them when the culture and society tries to exclude them. God desires to use us to accomplish His will on the earth.

As you think of how God can bless America, think first how God wants to use you. If we join together to follow after God, we can do great things for God in unity. Don’t be distracted. As others tried to resist his efforts to rebuild Jerusalem’s wall, Nehemiah said, “I am doing a great work.” Things done for God will be remembered for all eternity. Do something eternal for God today, and in doing so, know that you are doing your part for God to bless America.



## NEW 2025 MILEAGE RATES

**The IRS has formally announced its inflation-adjusted mileage rates for 2025.** The mileage rates used for determining deductible costs are as follows:

- **70 CENTS** per mile for business use;
- **21 CENTS** per mile for medical use;
- **14 CENTS** per mile for miles driven in service to charitable organizations.

If you drive a vehicle on behalf of your ministry, call our attorneys today to ensure you understand how to properly utilize your available deductions.



**ATTORNEY DAVID GIBBS, JR.**

# TAKE A MINUTE FOR MINUTES



**We live in a country that has been blessed beyond measure.** As we enter 2025, our recommendation is that your ministry prioritize the recording of accurate board meeting minutes. If it's not something you're already certain is happening, it's important to do not only because such records are helpful, but also because they are legally necessary for several reasons:

- It is immensely helpful to have accurate details regarding specific events and votes, particularly if there is ever a disagreement or conflict.
- Such records are generally court-admissible to support what actually happened at the meeting.
- Minutes assist in providing a record that the board is meeting their duties of care.
- Meeting minutes are often required by state law.

All of that said, it's also important to know how to take proper minutes. Too much information can be just as bad as no information. The best minutes provide a broad but clear summary of meeting points and issues without delving into exact quotes. The minutes of every meeting should contain the following:

1. Date and time of meeting
2. Place of meeting
3. Statement that the meeting was duly called:
  - a. State who called the meeting.
  - b. State what notice of the meeting was given.
  - c. Attach a copy of the notice or attach a duly signed waiver of notice.

4. Name of the presiding officer of the meeting
5. Name of the meeting secretary
6. Names of those present
7. Number of people present in person and number present by proxy (if applicable)
8. Reading, correction, and adoption of minutes of the previous meeting
9. Record of what occurred at the meeting:
  - a. Resolutions proposed
  - b. Resolutions adopted (The names of proposers and seconders need not be stated, unless they request it.)
  - c. Record of those who voted for or against a proposal (if they wish to have this recorded)
  - d. Reports of officers and committees
10. Time of adjournment
11. Signature of the secretary
12. Counter-signature of the presiding officer, which will be obtained at the next meeting when the minutes are adopted

Lastly, choose carefully the person who will record your minutes. The job is important, and the person doing it needs to understand the ministry well enough to hone in on important issues that need to be noted while understanding which conversations or exchanges are irrelevant. Having accurate board meeting minutes will go a long way toward protecting your ministry in the event that they are needed.



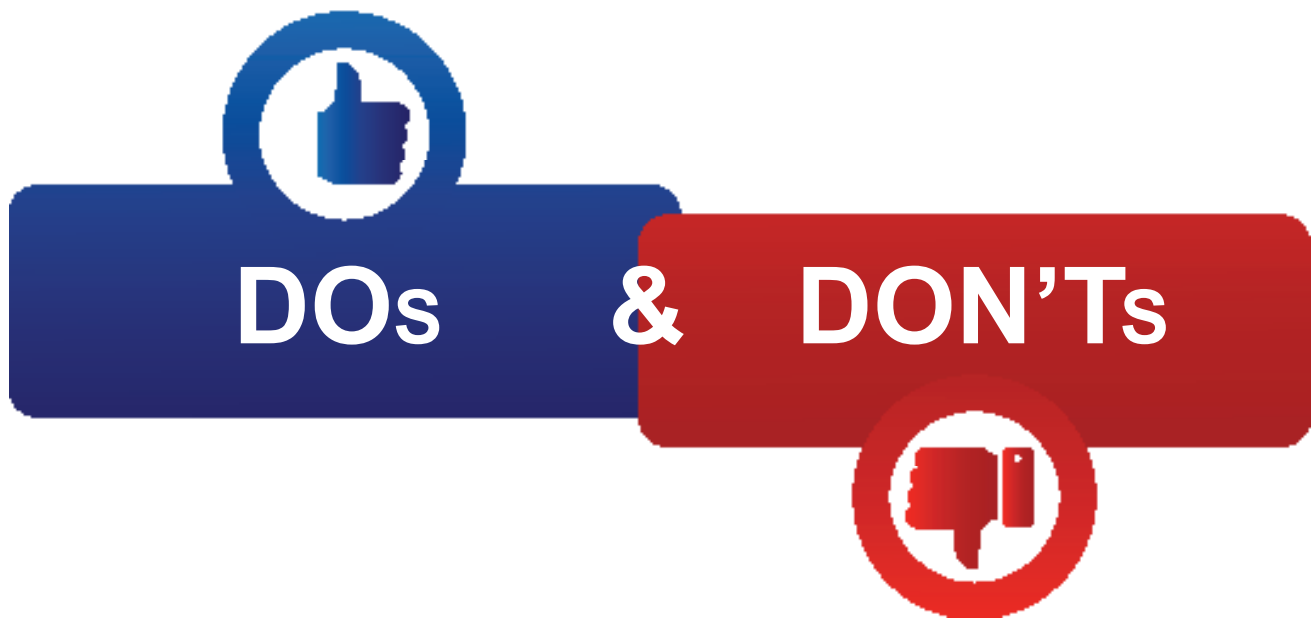
**One potentially great tool for ministry employers to offer is a Flexible Spending Account (FSA).** For these accounts, your employees choose to voluntarily withhold a portion of their salary and place it into an FSA. If you are careful to follow the rules of the IRS, the money placed in an FSA is not subject to income or employment taxes.

The money in the FSA can then be used to reimburse the employee for qualified medical expenses. What constitutes

## SHOULD YOU OFFER EMPLOYEE FSAs?

a qualified expense is specifically detailed by the IRS, but common expenses include co-payments, deductibles, prescription medications, dental care, vision care, and medical devices.

FSAs can be wonderful tools. But, as most things are with the IRS, the rules surrounding them can also be complex, and the plans must be administered. If you want to understand FSAs better, speak with your ministry's health plan provider, or talk with your banker for more information that is specific to your situation. If you need additional information, contact our offices so our experienced legal team can assist you.



# DOs & DON'Ts

**Though some people don't think much about it, hiring and firing employees is one of the most legally dangerous tasks in which a church routinely engages.** CLA has seen more lawsuits filed against churches over employment law than almost any other legal area, and it can sometimes seem that churches are between a rock and a hard place. They can be sued for not asking enough questions, and they can be sued for asking the wrong questions during an employee interview. Since our nation is built on federalism, the laws regarding the hiring process vary widely from state to state. Because of these state-to-state differences, CLA cannot offer a comprehensive written guide that applies nationwide and also covers every foreseeable issue that a church ministry might face.

To point you in the right direction, we have included below a very brief "Dos and Don'ts" list for interviewing potential employees and bringing on volunteers. This checklist should by no means be considered everything you must know before interviewing potential employees. You must be aware of the employment laws in your particular state. CLA is happy to help you navigate this complex legal field.

When you start the interview process, keep these important cautions in mind.

**DO** be up front about your faith. It's obviously important to know if the person is qualified for their job—and at a ministry, faith is a key part of the job. Religious non-profit organizations have a specific exemption from discrimination in employment claims made on the basis of religion. This means you are allowed to base relevant hiring decisions on religious preference without violating the law.

**DON'T** forget to check references. This is a big one. We have actually seen a church lose a lawsuit over failing to check prior job references for a pastoral candidate. Ask for references, and actually follow-up with substantive questions for the people listed on those references. Obtaining personal

references is not enough; you also need to request corporate references.

**DO** check your state laws regarding background checks. Background checks are vital for any employee or volunteer who will work with children in any capacity, and we recommend them even for volunteers that don't work with children. That said, when it comes to employees, some states have strict "Ban the Box" laws that prohibit asking about irrelevant criminal convictions in most job interviews. Call our office before you interview a potential employee to be sure you know your state's stance on this critical issue.

**DON'T** ask unnecessary personal questions. Remember, there are different laws in different states, but when you begin the interview process, you should know that certain topics are considered illegal to discuss. A good rule of thumb is to avoid asking any sort of non-job-related questions about a potential employee.

**DO** call the Christian Law Association first each time you are preparing to interview candidates. Laws change all the time, and we are here to help you be as prepared as possible. Call our attorneys to find out what you should ask for the particular role you are trying to fill, what you shouldn't ask in your state, and how to make sure you are in compliance with all new employee laws if the interview goes well.



## A MINISTRY OF LEGAL HELPS

Since 1969, CLA has been providing free legal assistance to Bible-believing churches and Christians who are experiencing difficulty in practicing their religious faith because of governmental regulation, intrusion, or prohibition in one form or another. The Christian Law Association serves in the following ways...

- Free legal defense of those facing difficulties for the Biblical faith
- Free legal counsel to churches and Christians for their ministries
- Free legal help to homeschooling families
- Publication of *The Legal Alert*, a monthly newsletter
- Legal books and other resources to inform Christians of their rights
- Intercessory prayer ministry for requests sent to the ministry offices
- Free legal consulting to local, state, and federal officials and legislators to provide maximum religious liberty
- Prayer initiative for our national leadership and government
- Legal seminars for ministries to help prevent lawsuits
- Weekday radio program broadcast, *The Legal Alert*, on 1,600 outlets around the world
- Preaching in churches across the country



## PRESIDENTS' DAY: A BIT OF HISTORY

**In the United States, Presidents' Day is celebrated in February.** In the Federal Government, the official name of the holiday is still Washington's Birthday. George Washington was born on February 11, 1732, and he was born when the Julian Calendar was in use. In 1750, however, the United States changed to the Gregorian Calendar. February 11 on the Julian Calendar is the same as February 22 on the Gregorian Calendar, so this was the date of the holiday for many years.

In 1971, Congress changed this celebration to the third Monday of February to ensure that workers always got a three-day weekend. In 2025, the holiday will be celebrated on February 17.

In addition to the Federal Government, our nation has fifty individual states, and some states put their own spin on the holiday. Since Abraham Lincoln was also born in February, some states celebrate the holiday as Washington and Lincoln Day, while many now refer to the holiday as Presidents' Day to honor all of those who have thus served our nation.

## HAVE A LEGAL QUESTION OR A PRAYER REQUEST?

CONTACT US AT 888-252-1969

OR



CHRISTIAN LAW ASSOCIATION

PO BOX 669 • WEST CHESTER, OH 45071-0669



# PRAYER CHECKLIST

We covet your prayers for these requests and hundreds of others we receive regularly.

- FLORIDA:** Pray for a church that contacted our office about issues they are experiencing with a construction company's failure to pay an equipment company for their share of the work completed on the church building. Our attorneys are offering direction.
- WASHINGTON:** Pray for a church that reached out to us for assistance because of difficulties they are encountering as they attempt to repair a broken water line. Issues with a neighbor as well as the city continue to delay the repairs.
- TEXAS:** Pray for a Christian school teacher who reached out to CLA for help after being subpoenaed in a custody case, providing the information that was requested, then being threatened with a lawsuit by one party in the case who was upset that she obeyed the subpoena. Our attorneys advised the teacher regarding her response to further contact from the party who threatened to sue.
- MICHIGAN:** Pray for a pastor who contacted our attorneys for direction as he endeavors to peacefully resolve a dispute with a neighbor regarding shared property.
- TENNESSEE:** Pray for a pastor who reached out to our attorneys about the wisest way to proceed as he handles issues with the city over allowing the church to provide shelter during harsh weather.
- VIRGINIA:** Pray for a pastor who asked for direction from CLA attorneys about the best way to minister to and assist a couple in his church as they navigate an Alzheimer's diagnosis.
- FLORIDA:** Pray for a faith-based food bank ministry that has contacted our attorneys after being discriminated against in their city.
- TEXAS:** Pray for a pastor who called the CLA office about his legal options for protecting his church congregation from an attendee whose behavior is making others uncomfortable.
- OHIO & LOUISIANA:** Pray for two churches that called the CLA offices after being notified by their city government officials about neighboring stores making application for liquor licenses. Our attorneys provided guidance to each church on how they could offer an objection to those licenses being approved.
- WASHINGTON:** Pray for a pastor who called the CLA office for advice in navigating a difficult counseling situation to avoid causing any legal issues for himself or his church. Our legal team has offered guidance on the best way to handle the matter.
- SOUTH CAROLINA:** Pray for a couple who reached out to CLA attorneys about their options after they were contacted by their HOA with a demand to remove a cross from their yard.
- NEW JERSEY:** Pray for a Christian who called our office for assistance after being reported at her workplace for having a mutual conversation with a coworker about faith.
- OHIO:** Pray for a Christian who contacted CLA for direction and advice as she reads to children at a public school and considers reading more faith-based books. Our attorneys provided guidance on what the school district is able to legally restrict or allow.
- SOUTH CAROLINA:** Pray for a Christian school administrator who contacted our attorneys about options for handling potential conflict with an unruly parent.
- OHIO:** Pray for a Christian who sought help from our ministry after being issued a citation while out street preaching.
- WASHINGTON:** Pray for a Christian couple who called CLA for direction about how to proceed after encountering issues with management about starting a Bible study at their RV park.
- SOUTH CAROLINA:** Pray for a Christian family who reached out to CLA because their child is being required to perform community service in a location that goes against the family's religious beliefs. Our attorneys were able to present their options for obtaining a religious exemption.
- NEW YORK:** Pray for a Christian school seeking CLA's guidance as they endeavor to support their students' parents in upholding their religious rights with regard to local mandates for their children to attend public school.

## EPHESIANS 6:18

PRAYING ALWAYS WITH ALL PRAYER AND SUPPLICATION IN THE SPIRIT, AND WATCHING THEREUNTO WITH ALL PERSEVERANCE AND SUPPLICATION FOR ALL SAINTS.



**MICHAEL ADAMS**  
CLA STAFF