

## Some Interesting Judicial Council Decisions

### 456 Decision

A minister under pastoral appointment to a Church which is discontinued has the right to receive from the Annual Conference the unpaid portion of his salary up to the minimum salary schedule approved by the Annual Conference. With regard to benevolence apportionments, this responsibility ends when the Annual Conference discontinues the local church.

April 27, 1979

### 492 Decision

A ministerial member in good standing of an Annual Conference is entitled to an appointment and must be remunerated for the period of time that no appointment is made. This amount shall be not less than the conference minimum salary and other remuneration, provided in the conference rules prorated for the period without appointment. The Conference Council on Finance and Administration shall be responsible for such payment.

October 31, 1980

### 579 [Rationale]

It is the duty of the Annual Conference to establish its own guidelines for payment of equitable salaries but these guidelines cannot establish a minimum salary and then provide the means by which that conference can avoid paying that minimum to persons in full connection.

### Decision

The sections in the South Carolina Annual Conference Guidelines for equitable salaries C, F, K, T, and U which if implemented would result in a full member in good standing of the Annual Conference receiving less than the established minimum salary are null and void.

April 24, 1987

### 587

It does appear that the central issue is the authority of an Annual Conference or its Commission on Equitable Salaries to adopt policies or guidelines which would prevent a full member of that Annual Conference from receiving the minimum salary which has been adopted by the Conference. We address only this issue. Such a policy or practice would be in violation of ¶¶442.1 and 722.9 of the 1984 Discipline.

### 713 Decision

An Annual Conference may not adopt a policy which deprives clergy members in full connection, probationary members, or associate members of due process by restricting appointment of those for whom medical insurance premiums have not been paid.

October 29, 1994

### Analysis and Rationale

The issue of legality of the amendment does not center on the power of the bishop to make appointments, as is argued by some in opposition to the amendment. The authority given

bishops to make appointments is not absolute and unconditional. The Constitution and Discipline give the clergy members of the Annual Conference in full connection authority to determine who shall be eligible for appointment (Pars. 36, 404-459), and the Discipline places certain conditions on the making of appointments (Pars. 437, 443, et al.).

The amendment is unconstitutional in that it could declare one or more clergy members in full connection, probationary members, or associate members ineligible for appointment to certain churches without the process required in any matter dealing with conference relations and the rights and privileges of conference membership.

#### 1013 [Rationale]

The conference commission on equitable compensation must disclose the needs for minimum base compensation and base compensation supplements for all members in good standing. The conference council on finance and administration must take into account in the recommended budget to the annual conference the requirement for adequate support for the schedule of minimum base compensation and base compensation supplements. If there are adjustments in the conference council on finance and administration's proposed budget to the annual conference, from the request made by the conference commission on equitable compensation, the conference council on finance and administration must provide to the annual conference the rationale for any proposed changes made. The conference council on finance and administration must consult with the conference commission on equitable compensation. It is the sole responsibility of the annual conference to adopt budgets of anticipated income and proposed expenditures for all funds to be apportioned to the churches, charges, or districts. This responsibility may not be delegated to or assumed by any other body.

#### Decision

The conference council on finance and administration must consult with the conference commission on equitable compensation before submitting a recommended budget to the annual conference for its approval. Consultation means that the conference commission on equitable compensation and the conference council on finance and administration will make good faith efforts to reach agreement on the amount of support necessary to fully fund minimum base compensation and base compensation supplements for clergy. The obligation of the annual conference is to establish the annual conference budget and provide for equitable compensation for all clergy members in good standing. The annual conference has the sole responsibility to adopt budgets of anticipated income and proposed expenditures for all funds to be apportioned to the churches, charges, or districts. The annual conference is required to support the schedule of minimum base compensation and base compensation supplements. This responsibility may not be delegated to or assumed by any other body.

#### 1038 Analysis and Rationale

Paragraph 342 is clear in stating that "[t]he Church shall provide, and the ordained minister is entitled to receive, not less than the equitable compensation established by the annual conference for clergy members. . . ." Paragraphs 342.1 and 342.2 set out that principle for elders in full-time service and elders in less than full time service. In Decision 579 the Judicial Council interpreted these provisions as requiring each annual conference to "establish basic minimum salary for members of the conference and that the conference could not make rules which would

deprive any full member in good standing of basic minimum salary.” Local pastors cannot waive minimum base compensation. See ¶ 318. Elders and local pastors are entitled to receive not less than the equitable compensation established by the annual conference. See Decision 968. Only deacons may choose to waive minimum base compensation. Paragraph 331.6.d allows deacons in full connection to be appointed, at their request or with their consent, to a non-salaried position. The bishop’s decision of law is affirmed. The amendment violates the Discipline. Since the proposed amendment would apply to all categories of clergy, those that may waive minimum base compensation and those that may not waive minimum base compensation, the amendment does not meet disciplinary requirements and cannot be added to the conference’s minimum base compensation plan.

#### Decision

The bishop’s decision of law of the bishop is affirmed. A proposed amendment allowing clergy to waive base minimum compensation cannot be added to the conference base minimum compensation plan. The proposed amendment would be applicable to all clergy categories, but elders and local pastors are not permitted to waive base minimum compensation.  
April 28, 2006

#### 1226 Decision

Security of appointment has long been a part of the tradition of The United Methodist Church and its predecessor bodies. Abolishing security of appointment would destroy our historic plan for our itinerant superintendency. Fair process procedures, trials and appeals are integral parts of the privilege of our clergy of right to trial by a committee and of appeal and is an absolute right which cannot be eradicated by legislation. The amendments to ¶ 337, as contained in Calendar Item 355, are unconstitutional and violate the third and fourth Restrictive Rules of the Constitution. The original ¶ 337 of the Discipline is restored and maintained and the changes made thereto at 2012 General Conference are null, void and of no effect. The amendment to ¶ 321, as contained in Calendar Item 352, is also declared repugnant to the Constitution and, hence, unconstitutional. The original ¶ 321 of the Discipline is restored and maintained and the changes made thereto by the 2012 general Conference are null, void, and of no effect. Calendar Item 358, the new transitional leave ¶ 354, is declared unconstitutional and Calendar Item 359, which removed the language of a transitional leave from ¶ 354 of the Discipline, is also declared unconstitutional. The current language for a transitional leave as provided for in ¶ 354 is restored and maintained.

1355 Bishop's ruling:

A vote on the interim action of the Board of Ordained Ministry to affirm the Board's action to place an elder on involuntary leave of absence effective October 22, 2016 was not acted on and therefore the involuntary leave of absence is nullified. The elder is to be paid her equitable compensation which includes salary, housing, pension and health benefits from October 22, 2016 to June 30, 2017.

JCD Ruling

Church law distinguishes between prospective and retroactive actions of the clergy session for the approval of involuntary leaves of absence. The prospective vote needs a two-thirds majority and the retroactive vote a simple majority to pass. These two types of action are separate and independent and cannot be combined; nor can one be substituted for the other. They must be marked distinctly under Disciplinary Question No. 50b on the Board of Ordained Ministry Report, introduced to the clergy session by differently worded motions, and acted upon separately and independently. Equitable minimum compensation is the basis for calculating compensation for the elder in this case placed on involuntary leave of absence, which was rendered invalid when the interim action was not retroactively approved. The bishop's Decision of Law is affirmed.  
October 27 2017