

Remnant of Grace Outreach Ministries, Inc.

Minister Ordination Certificate Course

Introduction

What comes to mind when you hear the word “ordination”? For many of you the word likely arouses a variety of thoughts, ideas, and emotions. Perhaps you think of ordination as an official designation given to ministers of the gospel. Many of you may be thinking about, or even looking at, the ordination certificate hanging on your office wall. For others, you might be thinking back to the day of your ordination ceremony when the elders or leaders of your church laid hands on you, consecrating you as a minister of the church to teach and preach the gospel. The bottom line is that the word ordination has a slightly different meaning and significance to us all. But, have you ever thought about what it means to be legally ordained or the process involved in becoming such? Moreover, did you know that being legally ordained really matters?

This applet is intended to supply you with the tools and knowledge you need to create and implement an ordination program in your church that ensures the ministers you ordain are indeed legally ordained. However, before we look at the “how to” of creating an ordination program, it is important to understand how the Internal Revenue Service (IRS) defines ministers. It is also essential for you to understand why your church should establish such an ordination program. But first, because there are so many different thoughts and ideas about ordination, there are many misunderstandings as well. That said, let us take a look at three of the most common myths about ordination.

Ordination myths

The myth of “I am ordained; I can now ordain others”

Many ordained ministers are under the impression that if they have been ordained, they can now legally license and ordain other people to the ministry without regard to any church authority. There is no such provision in the US Constitution or in case law. To the contrary, the courts have ruled, and the IRS has quickly followed, that that no one person has the right or power to license an individual. That power belongs strictly to the church organization. This does not mean that you cannot lay hands on a man or woman of God to be ordained as a licensed minister. What it does mean is that you, as a minister or authorized person by the licensing church, can lay hands on a man or woman of God and legally ordain him/her so long as it is done under the authority of the church who has asked you, in accordance with its doctrines, beliefs, and bylaws, to perform such a ceremony.

For example: When you go to your state’s Department of Driver Services (DDS) to receive your driver’s license, there is a process you must complete to receive that valid license. Once that process is complete, the individual behind the counter at the DDS hands you your state driver’s license. Although it was an individual behind the counter who handed you your driver’s license, he or she is not the one who is validating your driver’s license. That person is simply a representative of the state that is validating your driver’s license. Similarly, it is not Pastor A from Church X validating your ordination. Rather, it is Church X validating your ordination via Pastor A. Simply put, Pastor A is a representative of Church X.

The myth of “once ordained, always ordained”

The other great assumption is the idea of “once ordained, always ordained.” Many ministers believe that because they were ordained in their previous church, they can continue to be and act as ordained ministers even after leaving the church that ordained them. This is true only if the church from where you received your ordination specifically and purposely keeps your license valid. It is important to know that the ordaining organization has the right to revoke your ordination without your knowing, and if the ordaining organization dissolves, your ordination then becomes invalid. Similarly, if the church that ordained you was forced to close its doors, or simply no longer existed, the ordination that you received from them would then be invalid. That is why we stress the importance of “in-house” ordination.

The myth of “I cannot be ordained by my own church”

Many believe that they are only able to plant a church if they have either been ordained or licensed as a minister of the gospel. When in fact, one can start a church, establish it on a

What it means to be legally ordained

The word “ordained” or “ordination” often conjures up the thought or idea of a spiritual act or religious ceremony that involves the “laying on of hands” of one individual to another; a spiritual act that consecrates an individual as a minister of the gospel. This spiritual act is generally modeled after the “ordination” of Barnabas and Saul (Paul) in the Book of Acts, which reads,

“One day as these men were worshipping the Lord and fasting, the Holy Spirit said, ‘Dedicate Barnabas and Saul for the special work I have for them.’ So after more fasting and prayer, the men laid hands on them and sent them on their way.” Acts 13:2-3 (NLT)

This act is commonly practiced amongst many churches and ministries today, but is this act alone enough for a minister to be legally ordained? Although one’s “spiritual ordination” will not be questioned by the state or federal governments, many ministers are unaware that their ordinations do not meet the requirements of ordination for legal purposes. To be recognized as legally ordained, a more thorough process is necessary, and we will examine that process later in this applet. But first, to better understand the reasoning behind that process, it is necessary to understand the definition of a minister for legal purposes. In essence, for legal purposes, there are three main definitions of a minister, which are: 1) a minister for the purpose of solemnization of marriages, 2) a minister for employment purposes, and 3) a minister for tax purposes. We will examine each of these next.

A minister for the purpose of solemnization of marriages

All 50 states have laws in the books concerning the solemnization of marriages and who can conduct weddings. For your convenience, below we have included a state-by-state marriage solemnization guide for all 50 states.

State-by-State Solemnization Laws

After reviewing the laws of all 50 states, we have boiled down the definition of ordination (for this purpose) to the following:

Ordination must be designated by a considered, deliberate, and responsible act of the church, and the minister must be in regular communion with the organization that licensed or ordained him.

To help better our understanding of this definition, we can look to the court case of Cramer v. Commonwealth.

Cramer v. Commonwealth

In recent years, the states and Congress have expressed concern over the proliferation of online and mail order ordinations. Those concerns are not regarding the ordination of ministers as a whole, but whether those ministers are authorized to solemnize marriages. In the federal court case, Cramer v. Commonwealth, a group of ministers ordained by the Universal Life Church (ULC) had their rights to conduct marriage ceremonies taken away by the Circuit Court of Richmond, Virginia. This group of ministers appealed the decision to the Supreme Court of Virginia, asking it to rule that any minister who is able to provide documentation proving his/her ordination from any religious organization be allowed to conduct marriage ceremonies in the state of Virginia.

The Supreme Court of Virginia heard the appeal from the ministers of Universal Life Church in order to decide whether it was a legitimate religious organization. They determined that the relationships between ministers of the ULC and ULC itself were nearly non-existent. The Supreme Court of Virginia found that the ULC's ordained ministers have few meetings in a congregation, if any at all. The Supreme Court of Virginia discovered that the ULC's ordained ministers had few meetings with, or as, a congregation. In some instances there were no meetings or gatherings at all. They discovered that the meetings or gatherings that did occur tended to be at one's home or other public locations (such as restaurants), and that the topics discussed during the gatherings were often not of a religious nature.

The lower courts denied the officiants the right to perform weddings on the premise that ministers ordained to conduct such ceremonies should be in the ministry full-time. The Supreme Court of Virginia disagreed with the lower court's ruling, stating that in Virginia there were plenty of good ministers that served their congregations as well as anyone while also maintaining other employment. This, however, was not enough for them to rule in favor of the appellants.

The Supreme Court of Virginia was certain to ensure that this particular case had nothing to do with religious freedom. Because of the legal nature of marriage, the need for a legally ordained minister is necessary. The Supreme Court of Virginia recognized the "necessity that the marriage contract itself be memorialized in writing and by a person of responsibility and integrity and by one possessed of some educational qualifications."

The Supreme Court of Virginia upheld the lower court's decision based upon Virginia's Code § 20-23 order authorizing ministers to perform ceremonies, which states:

"When a minister of any religious denomination shall produce before the circuit court of any county or city in this Commonwealth, or before the judge of such court or before the clerk of such court at any time, proof of his ordination and of his being in regular communion with the religious society of which he is a reputed member, or proof that he is commissioned to pastoral ministry or holds a local minister's license and is serving as a regularly appointed pastor in his denomination, such court, or the judge thereof, or the clerk of such court at any time, may make an order authorizing such minister to celebrate the rites of matrimony in this Commonwealth. Any order made under this section may be rescinded at any time by the court or by the judge thereof."

A minister for employment purposes

As an ordained minister of a religious organization who receives compensation for the ministerial services performed, you are considered a common-law employee. As a common-law employee, your employment is regulated by both state and federal law. However, there is a special stipulation known as the "ministerial exception" that frees churches from many of these rules when selecting and employing ministers. Although we

will not delve into what the ministerial exception is in this applet, you can find out more about it by enrolling in our online church compliance course, StartCHURCH University. We will, however, examine common-law rules.

Common-law rules

One of the most important decisions a church must make when hiring an individual is to determine whether or not that individual is an employee or a self-employed individual. Oftentimes, churches mistakenly believe that they can use their discretion to make this determination. In actuality, the federal government uses common-law rules to determine whether or not a hired individual is an employee of the organization or a contract worker. IRS publication 15-A states the following:

“Under common-law rules, anyone who performs services for you is generally your employee if you have the right to control what will be done and how it will be done. This is so even when you give the employee freedom of action. What matters is that you have the right to control the details of how the services are performed.”

Common-law rules are composed of three factors: **behavioral control, financial control, and the relationship of the parties in the service agreement.** These three factors show the degree of control your church has over the workers it employs. The greater the degree of control, the more likely it is that the worker is an employee. Below is a closer look at each of these factors and their applications to churches.

- **Behavioral control:** Behavioral control is present when the church has the right to dictate a worker’s duties, how his job is accomplished, and when. When this type of control exists, the individual is an employee.
- **Financial control:** Financial control exists when the church controls the business aspects of the worker’s pay, including, but not limited to: how the worker is paid, whether expenses are reimbursed, and who provides resources/tools/supplies to complete assigned tasks.
- **Relationship of the parties:** If the individual provides services that are vital to a church’s existence, he is an employee. Additionally, having a written contract and employee-type benefits such as insurance, pensions, or vacation pay indicates that a paid worker is in fact an employee. The permanency of the relationship is also important. If the worker is expected to work for the organization on an indefinite basis, he is considered an employee.

A minister for tax purposes

- Unfortunately, the IRS does not have a concrete definition of the word minister, but has used some court precedence for the setting of guidelines that say who is or is not a minister for tax purposes. IRS Publication 517 defines ministers as,
- *“...individuals who are duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination. They are given the authority to conduct religious worship, perform sacerdotal functions, and administer ordinances or sacraments according to the prescribed tenets and practices of that church or denomination.”*
- Furthermore, according to IRS Publication 517, most ministers have a **dual tax status**. What this means is that a minister is an employee of the church for federal income tax purposes and self-employed for Social Security and Medicare tax purposes. It is not uncommon for churches to misunderstand this rule when paying their ministers a salary.
- Oftentimes, churches treat their ministers as self-employed persons and assume that they can issue ministers a Form 1099-MISC. In actuality, since a minister is usually considered an employee under common-law rules, the minister should be treated as an employee for federal income tax purposes and should receive Form W-2 indicating the wages that the church paid to him. When it comes to Social Security and Medicare taxes, the minister is considered self-employed and is responsible to pay 100% of

those taxes. Unlike the rest of the taxpaying population, when a minister completes his tax return, he is responsible for paying federal income tax and self-employment taxes.

- For instance, when a person works a secular job, the employer withholds federal income tax and Social Security tax. That simply is not the case for a minister because of his dual tax status. Therefore, a minister employed by your church should receive a Form W-2 indicating his wages earned from the church, and not a Form 1099-MISC.
- In most instances, “duly ordained, commissioned, and licensed” ministers who meet the definition of a minister for tax purposes will also qualify for the special tax privileges afforded to ministers: housing allowance and self-employment tax exemption. The purpose of this applet is not to explain these special tax privileges, but rather, it is intended to give you a deeper understanding of the requirements for legal ordination and how to create an ordination program at your church. You can, however, find more in-depth information on both housing allowance and self-employment tax exemption located in our Compensation Suite.

What about ordinations from other religious organizations?

- You may be saying to yourself, “This is great information but I’m ordained through my ministry as an evangelist, not through a church.” Or, perhaps you received your ordination through a para-church ministry and you are asking, “How valid, or legal, is my ordination?”
- Recent trends point that there is no distinction between a church and an organization that is exclusively organized for religious purposes. The laws of many states allow only ministers that have been licensed by a church to perform marriages, which makes it appear that an ordination has to come from a church and that ministers who have been ordained by a ministry are not allowed to legally perform marriages. However, the definition of a church for the purposes of licensing and ordination of ministers is found nowhere in any state or federal statute.
- Now, at a first glance of the requirements that a minister must meet in order to qualify for a housing allowance and self-employment tax exemption, it appears that the benefits are limited only to ministers who have been duly ordained, commissioned, or licensed by a church. And though the tax code clearly uses the word church, it has, however, become less clear in recent years that the application is limited only to ministers that have been duly ordained, commissioned, or licensed by a church. For example, Treasury Regulation 1.1402(c)-5(b)(2)(ii) states that, *“any religious organization is deemed to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of faith in accordance with either the requirements or sanctions governing the creation of institutions of the faith. The term ‘religious organization’ has the same meaning and application as is given to the term for income tax purposes.”*
- The treasury regulation is in full force and effect of the law. Regardless of what constitutes a church for income tax purposes, it was clearly the intent of Congress to extend the tax benefits to ministers that are sincerely and legitimately licensed or ordained by their religious bodies and not to individuals that have simply gone through a “...paperwork procedure designed to help him get a tax benefit.” (Lawrence v. Commissioner)
- The bottom line is that you can start a church or ministry, establish it on a solid legal foundation, and then become ordained through that very church or ministry that you start. **There is, however, one key element in this becoming a reality, and that is having the necessary licensing and ordination language in your church’s corporate documents.** Let us take a look at

Commissioned minister:

This recognition is automatically given to all believers in fellowship with this ministry. They are not authorized to perform any sacerdotal services, but primarily assist others in the Body of Christ. Individuals in this category may include, but are not limited to: teachers, worship leaders, instructors, hospital and jail visitation, ministerial assistance, and lay persons.

Licensed minister:

This recognition is given by the senior pastor/president of this ministry. This recognition is for those who are somewhat seasoned in the ministry, but need further experience. Many of these are individuals that have been working in their chosen vocation, but for some reason or another have never entered full-time ministry, or have only been in full-time ministry for less than three (3) years. Such persons are authorized to perform the following religious functions:

1. Conduct religious worship
2. Religious instruction
3. Administer communion
4. Provide spiritual counseling
5. Serve on the board of directors of a church
6. And other sacerdotal functions including
 - Conduct baby dedication ceremonies
 - Perform baptisms
 - Perform weddings
 - Conduct funerals
 - Visit the sick and shut-in
 - Minister in prisons

Qualifications

Qualifications are specifically referring to the qualities and abilities of the applying candidates. Qualities are the distinguishing characteristics showing God's call on their life. Abilities are the ways in which candidates can maintain a level of consistency that exudes Christ as their Lord and Savior.

There are five (5) qualities that we suggest be present in a man or woman of God before he or she is considered as a candidate for a minister's license. They are listed below:

1. Character

Is the candidate a person of integrity? Integrity is the ability to maintain godliness regardless of conforming pressures, and develops in proportion to our level of godly fear. It is evidenced in true humility, and uncompromising obedience to God's authoritative Word. Integrity consists of honesty in all things, including his preaching and storytelling. Does he tell the truth in love, or does he choose to please man instead (Galatians 1:10)?

Basically, these factors are the "qualities or features that distinguish one person" from the rest (The American Heritage® Dictionary of the English Language, Fourth Edition). Below are 6 character traits one should look for in a candidate.

- Wholeness of life (not perfect, but whole)
- Set apart
- Enthusiastic
- Merciful
- Patient
- Realistic

Psalm 51:6 says, "Behold, You desire truth in the inward parts, and in the hidden part You will make me to know wisdom." (NKJV)

2. Spiritual maturity

Is the candidate having consistent daily devotional time with the Lord? It can be surprising how many ministers and applying candidates (to be ministers) do not even pray 10 minutes in a day, except for meals. This is a serious deficiency in the brotherhood of ministers of the gospel. It is no wonder so many are falling into immorality and/or leaving the ministry. This is not caused by working for the Lord, but by forgetting who He is. One of the things that Jesus did on a regular basis was find a solitary place to spend time with the Father. This keeps ministers connected to Him and His purpose for their lives.

Matthew 14:23 says, "And when He had sent the multitudes away, He went up on the mountain by Himself to pray. Now when evening came, He was alone there." (NKJV)

3. People skills

There are many people who want to enter the ministry and have little-to-no people skills. It is possible that some of them have fallen in love with the idea of standing in a pulpit. This does not suggest that such people will never qualify to enter the ministry to become licensed and/or ordained ministers. It does, however, require that candidates seriously work on bettering their people skills.

4. Godly wisdom

Unsurprisingly, God's wisdom can never be underestimated. The everyday ability of the minister to make good, sound decisions will never go unnoticed. On the contrary, bad decisions are rarely forgotten, and a series of them can greatly damage a ministry. Churches all across America decline in membership simply because of a few bad decisions made by the minister. The beginning of wisdom is the fear of the Lord, and as a shepherd, it is vital to look for God's wisdom in a candidate as it surely signifies that he fears the Lord. This statement requires qualification. Be cautious not to confuse wisdom with knowledge. Do not be impressed with "know how" or charisma. These are but fleeting facades that amount to nothing. Knowledge is the accumulation of facts. A person that lacks wisdom will never be able to successfully use acquired knowledge to build character, perseverance, or other useful life disciplines that will reflect the Lord in his life.

5. Student of the Word

For the most part, a licensed and/or ordained minister will be in a position of influence, and will often teach and preach by example. This responsibility requires the minister to be a student of God's Word. The term student has a precise definition. It is "a person engaged in study; one who is devoted to learning..." Learning from His Word is a lifelong, insatiable passion of the minister. Seek this quality out in the candidate and hold it dear to the heart of your ordination program.

Requirements

There are several different types of general requirements that can be assessed. We will list them below so that they may be considered and then your church can pick the ones you wish to incorporate into your ordination program.

Pre-application requirements

These are the requirements that might be assessed on an application to enter the program, which potential applicants will see before they apply for induction into the program. One of the purposes for having these requirements is to filter out some applicants that have no business applying. Below are a few examples.

- Must have been a Christian for at least three years.
- Must be of outstanding reputation within your church.
- Must have the pastor's approval before applying.
- Must have a good credit report, as it will be checked.

Course requirements

These requirements are the ones set by the board of directors or ministerial licensing committee that need to be satisfied before an ordination can be issued. These requirements need to be divided into different levels depending on the type of ministerial credential.

Graduation ceremony

It is a good idea to require a ceremony where a church congregation publicly celebrates the newly ordained minister(s). This also helps to establish the credibility and seriousness of the program.

Additional requirements and descriptions

Below, there are suggestions for specific requirements assessed for each different type of minister. Remember, not all of the requirements mentioned in this section must be used. They are to serve only as suggestions.

Commissioned minister

This recognition is issued to those persons called of God as helpers, or to those that are just beginning their ministry. They are not authorized to perform any sacerdotal services, but primarily assist others in the Body of Christ. Individuals in this category may include, but are not limited to: teachers, worship leaders, instructors, hospital and jail visitation, ministerial assistance, and lay persons who are called of God as helpers.

The commissioned minister must:

- Meet the general requirement for licensing.
- Be established in the local church body.
- Be recommended by the pastor or an associate pastor.
- Be recommended by his/her peers in the Christian ministry.
- Meet all other criteria as determined by the ordination program.

Licensed minister

This ministerial recognition includes those who are somewhat seasoned in the ministry, but need further experience. Many of these are individuals that have been working in their chosen vocation, but for some reason or another have never entered full-time ministry, or have only been in full-time ministry for less than three (3) years. Such persons are authorized to perform limited religious function of the church.

The licensed minister must:

- Meet the general requirements for licensing.
- Be recommended for license by the pastor, another pastor of an established congregation, or the senior pastor of an established ministry.
- Demonstrate a level of biblical and theological proficiency.
- Meet all other criteria as determined by the ordination program.

Ordained minister

This ministerial recognition is given to those persons who have an "established" or "proven" ministry. Ordained ministers are authorized to perform all functions of the Christian ministry and sacerdotal services, and must be capable of doing so. They should be ready, as determined by the senior pastor, to take charge of a congregation or already in charge of one.

The ordained minister must:

- Meet the general requirements for licensing.
- Have an established ministry.
- Demonstrate a level of biblical and theological proficiency.
- Be capable of performing all sacerdotal services.
- Meet all other criteria as determined by the ordination program

Conclusion

- Throughout this applet you have been presented with a wealth of information regarding ministerial ordination. We began the applet by looking at what it means to be legally ordained and we examined the three main definitions of a minister for legal purposes, which are: 1) a minister for the purpose of solemnization of marriages, 2) a minister for employment purposes, and 3) a minister for tax purposes. We then looked at why your church should ordain its own ministers and the benefits of "in-house" ordination. And then lastly, we examined 10-steps to implement when creating an ordination program. In the midst of all of this, it is important that we remember that it is God who calls and ordains; man simply recognizes what God is already doing in one's life. If you keep that in mind when creating your ordination program, then those your church ordains will truly be blessed as they walk in their calling.