

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1438

(Docket No. 1021-16)

In Re: Review of a Bishop’s Ruling on Questions of Law in the Rio Texas Annual Conference Concerning the Responsibility and Authority of the Annual Conference to Evaluate and Affirm or Amend its Annual Conference Policy on Equitable Compensation, Pursuant to the *Discipline*, particularly ¶¶ 621, 625, and 338.

DIGEST

The Commission on Equitable Compensation is required to recommend to the annual conference for its action a schedule of minimum base compensation under ¶ 625.3. An annual conference may, by its rules and regulations, establish the same requirement for policies on minimum pastoral compensation. The bishop’s Decision of Law is affirmed.

STATEMENT OF FACTS

During the 2021 session of the Rio Texas Annual Conference of The United Methodist Church, which convened virtually on June 10, 2021, the Commission on Equitable Compensation [hereinafter Commission] presented its two reports included in the Pre-Conference Report: Report III, which set minimum pastoral support as an item “For Conference Action,” and Report VI, which restated other policies adopted in previous years as “For Information Only.”

Subsequently, a clergy member raised the following Question of Law:

Does Report VI (p. 18, lines 16-19) undermine the authority of this session of the Rio Texas Annual Conference to review, discuss, debate, amend, perfect and adopt the Rio Texas Conference policy for equitable compensation in light of matters of missional context, systemic bias, impact on local churches and clergy, and relative financial priorities of the conference budget? Is the Rio Texas Equitable Compensation Commission obligated by Discipline to include its recommended policy as a “for conference action” item to the Rio Texas Conference on an annual basis?

On July 7, 2021, Bishop Robert Schnase rendered his Decision of Law, which reads in relevant part:

Ruling: The Equitable Compensation Commission of the Rio Texas Conference did not violate *The Book of Discipline of The United Methodist Church* when it reported its policy for information only to the 2021 Rio Texas Annual Conference, nor was the authority of the Annual Conference undermined by such action.

Analysis: The 2016 Book of Discipline, in ¶625, states as follows: “The (equitable compensation) commission shall carefully study the needs for additional support within the conference and the sources of income and shall *recommend annually* (our emphasis) to the conference for its action a schedule of minimum base compensation for all full-time pastors or those clergy members of the annual conference appointed less than full-time to a local church, subject to such rules and regulations as the conference may adopt.” The Pre-Conference Report included two reports from the Equitable Compensation Commission, which attached to this decision: Report III, which set minimum pastoral support (listed as “Minimum Pastoral Support Policies”) as an item “For Conference Action”, and Report VI, which restated other policies set in previous years “For Information Only”. Thus, the Disciplinary mandate to recommend annually a schedule of minimum base compensation was met by Report III. Because it required a vote of the conference, the opportunity for a healthy discussion of Rio Texas needs in a missional context was presented by Report III. Nevertheless, the point is well-taken that given the history of this missional area since the conference was created in 1859, every effort must be made to open up the subjects named in the request from Rev. Feagins so that conference members can consider those needs dispassionately. The Equitable Compensation Commission is directed to consider the matter of an action item on its other policies for the next Annual Conference at its next meeting.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶ 2609.6 of *The Book of Discipline 2016* [hereinafter *Discipline*].

Analysis and Rationale

At the center of this request is the question of whether the report of the Commission containing the conference policy on equitable compensation could be properly presented to the

annual conference as an “information only” item. Asked differently, should it have been presented for action by the annual conference so that it could be debated, amended, and voted on?

The Discipline defines the role and function of the Commission in ¶ 625. The pertinent part is § 3:

3. The commission shall carefully study the needs for additional support within the conference and the sources of income and shall recommend annually to the conference for its action a schedule of minimum base compensation for all full-time pastors or those clergy members of the annual conference appointed less than full-time to a local church, subject to such rules and regulations as the conference may adopt (¶ 338.1, .2).
[emphasis added and footnote omitted]

Under this provision, the Commission is mandated to recommend to the annual conference “for its action a schedule of minimum base compensation” for ministers. In using a technical term such as ‘schedule,’ *The Discipline* makes a clear distinction between ‘schedule’ and ‘policy’ in the sense that the latter prescribes *how* minimum pastoral compensation should be determined, whereas the former tabulates *what* dollar amounts the different ministerial groups should be paid, thereby stipulating that they are not interchangeable terms. Only the schedule, in the technical sense, falls within the disciplinary requirement of conference *action*.

Further, the entire sub-paragraph is qualified by the phrase “subject to such rules and regulations as the conference may adopt,” which we interpret to mean that ¶ 625.3 sets the *minimum* requirement but allows an annual conference to create additional ones not in conflict with *The Discipline*. In consequence, while the General Conference mandates that the schedule be presented to the body for action, an annual conference may, by its own rules and regulations, establish the same requirement for policies. Nothing in the record indicates that the Rio Texas Annual Conference adopted such requirement prior to the presentation of the Commission reports. Absent conference rules mandating specifically the approval of such policies, the Commission acted properly by presenting only the schedule for annual conference action.

Decision

The Commission on Equitable Compensation is required to recommend to the annual conference for its action a schedule of minimum base compensation under ¶ 625.3. An annual conference may, by its rules and regulations, establish the same requirement for policies on minimum pastoral compensation. The bishop's Decision of Law is affirmed.

March 28, 2022

Concur in Part & Dissent in Part

I concur with my colleagues in some respects but I believe that the policy upon which the recommendations are predicated necessitates a procedure whereby the policy is always subject to the review, consideration, debate and amendment by the annual conference.

Beth Capen
March 28, 2022