Study Track 2: Synagogue Search Committee: “Social Justice” and “Best Practices”

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Study Track 2: Synagogue Search Committee: “Social Justice” and “Best Practices”

Intended for a Synagogue Search Committee to Study Together as They Embark Upon the Search For a New Employee. Time: Two Sessions, 90 Minutes Each
Study Track 2: Synagogue Search Committee: “Social Justice” and “Best Practices”

Encourage participants to read all the articles in the Symposium. In addition, let them know that the study session will focus on specific articles.

For the Social Justice study session:
- “Gender Pay Equity: A Textual Exploration for Justice,” by Rabbi Mary L. Zamore
- “Responsum on Equal Pay,” by Rabbi Jonathan Cohen on behalf of the CCAR Responsa Committee

And either:
- “The Gender Wage Gap in the Reform Movement: A United Data Narrative,” by Elise Gould, PhD

Or, if conducting a search for a new rabbi:
- “What the Latest Reform Movement Rabbinic Salary Study Reveals about the Gender Wage Gap,” by Michael J. Gan and Natalie C. Moffett

For the Best Practices study session:
- “Beyond Salaries: Fair Employment Practices,” by Laura Bernstein
- “What is Possible: Striving for Gender Pay Equity,” by Rabbi Esther L. Lederman and Amy Asin
- “Embedding Pay Equity into the Congregational Culture,” by Rabbi Paul Kipnes

NOTE that this session invites participants to review your synagogue’s mission statement, if one exists. If you do have a mission statement, please bring copies to share with the participants.

It is recommended that you begin the study program with one or both of these blessings:

**BLESSING FOR THE PURSUIT OF JUSTICE**

ברוך אתה על王朝ملכת עולם, אשר קדשה
בראשית, ונתת לרהך זדק.
Baruch atah, Adonai Eloheinu, Melech haolam, asher kid'shanu b'mitzvotav v'tzivanu lirdof tzedek.

Blessed are You, Adonai our God, Sovereign of the universe, who hallows us with mitzvot, commanding us to pursue justice.

BLESSING FOR LEARNING AND STUDYING TORAH

Baruch atah, Adonai Eloheinu, Melech haolam, asher kid'shanu b'mitzvotav v'tzivanu laasok b'divrei Torah.

Blessed are You, Adonai our God, Sovereign of all, who hallows us with mitzvot, commanding us to engage with words of Torah.

Social Justice—a 90 minute session

Opening question and conversation starter: (10 minutes)

Which aspects of your synagogue reflect the successes your congregation has had in creating a culture of egalitarianism?

Facilitator: These are some examples, if needed. However, let the participants think and speak first before providing these:

- Men and women serving as rabbi, cantors, and all variety of Jewish professionals
- Bar and bat mitzvah students treated equally
- A balance of men and women on the congregational board and on committees, etc.

Article 1 (30 minutes)


1. Rabbi Zamore begins this article by quoting two texts from the Torah:

   i. You shall not defraud your fellow [Israelite]. You shall not commit robbery. The wages of a laborer shall not remain with you until morning. (Lev. 19:13)

   ii. You shall not abuse a needy and destitute laborer, whether a fellow Israelite or a stranger in one of the communities of your land. You must
pay out the wages due on the same day, before the sun sets, for the worker is needy and urgently depends on it; else a cry to the Eternal will be issued against you and you will incur guilt. (Deut. 24:14–15)

Rabbi Zamore explains that from these two verses we can see that “the Torah protects employees with laws forbidding oshek, (the oppression of workers) which includes withholding salary. Ultimately, not paying a female worker fairly is a type of withholding.” (page 12) Why do the texts in Leviticus and Deuteronomy insist that laborers be paid on the day of their labor? What would be the impact of holding on to the wages until the next day? Do you agree that pay inequity is an example of withholding? Why or why not?

2. A second principle derived from the Torah is the idea of maintaining honest weights and measures in commerce. In the days before mass production, merchants had their own set of weights and measures. When it comes to compensation, how does gender bias sometimes change the way we “weigh” the value of employees? When it comes to hiring, what would represent an honest set of weights and measures in today’s marketplace? In what ways have you ever felt that your value as an employee was weighed or measured at work? Facilitator: As participants share, encourage them to consider such issues as promotions, compensation, benefits, office space, self-esteem, awards, and other forms of recognition.

3. “Like false weights and measures, it is impossible to completely repair the damage done by the wage gap, for it affects the access the employee and her family has to quality food, health care, childcare, education, and retirement.” (page 15) Why can’t the damage done by the wage gap be fully repaired?

Article 2 (20 minutes)

● “Responsum on Equal Pay,” by Rabbi Jonathan Cohen on behalf of the CCAR Responsa Committee.

1. Rabbi Jonathan Cohen reminds the reader that the Hebrew word, sachar, connotes “merit” as well as “payment” or “remuneration.” How does the concept of merit apply to the issue of pay equity? How does compensation affect an employee’s perception of his or her own merit?

2. “Starting during the Talmudic period, questions of payment or remuneration for work (in Hebrew, sachar) were resolved on the basis of local customs and jurisdictions.” (page 19) This is one of the ramifications of the principle of dina d’malchuta dina, which means “the law of the land is the law.” Rabbi Cohen, on behalf of the CCAR Responsa Committee, contends that “dina d’malchuta dina would apply to most aspects of employment legislation and regulation in general and the principle of equal pay for comparable work in particular.” In what ways should our Jewish values
align with current secular legislation governing employment? How should Jewish institutions, therefore, conform to outside secular regulations when it comes to employment? How can Jewish institutions do better?

Article 3 (20 minutes)

1. The article opens with the statement: “One of the hallmarks of Reform Judaism, and one of the elements that made it unique among Jewish religious groups at the time it was founded, is the Movement’s commitment to women’s equality.” What were the issues that the Reform Movement championed with regard to women in the work force and why were these important? (see pages 25–26)

2. In 1992 the URJ Board of Trustees admitted that, with regard to gender discrimination and pay equity, “the ideals of our Movement have yet to be realized.” (page 30) The URJ therefore resolved to address this discrepancy in four ways. (pages 30–31) Discuss the four parts of that resolution and consider the ways in which the Movement has made progress in these areas.

   It is helpful to examine the charts on pages 52 and 56 which illustrate: (Figure 1) “Share of Congregational Rabbis by Job Title and Congregational Size for Men and Women,” and (Figure 2) “Cantor Pay for Select Categories, by Gender.” These charts provide some data and context for the discussion about the progress that the Reform Movement has made regarding gender and employment.

3. A 2008 resolution on Ethical Employment stated that, “Our congregations are best served as sacred communities when our employment practices—including contracts, job expectations, training, family leave policies, hiring, and transition procedures—reflect Jewish values.” As you consider making a job offer to a new employee, how might that offer best reflect the Jewish values embraced by your congregation?

Article 4 (provides research data for review, if there is time)

EITHER

- “The Gender Wage Gap in the Reform Movement: A United Data Narrative,” by Elise Gould, PhD

Review the introduction to Gould’s article; in particular, note the summary of findings on pages 49–50.

OR (if conducting a search for a rabbi)
• “What the Latest Reform Movement Rabbinic Salary Study Reveals about the Gender Wage Gap,” by Michael J. Gan and Natalie C. Moffett.

See the comparison chart of salary data on pages 44–45 (Figure 1) and review the summary section “What Lessons Can We Take Away from These Results?” on pages 46–47.

Best Practices—a 90 minute session
Opening question and discussion starter: (10 minutes)

What makes you feel that your work is appreciated and valued by others?

Article 1 (25 minutes)
• “Beyond Salaries: Fair Employment Practices, by Laura Bernstein

Laura Bernstein emphasizes that “Across for-profit and nonprofit industries, including faith-based organizations, salary typically accounts for 70 percent of an employee’s total compensation package. The remaining 30 percent is made up of ancillary benefits … benefits play a significant role in an employee’s overall decision to join or stay at an organization and in their perception of feeling valued and respected.” (page 64) Process this information together and consider the types of benefits discussed in Bernstein article. How important are these types of benefits in your opinion?

1. Pair up members of the committee and have each one read a different one of the five scenarios presented on pages 64–66. Give them five minutes to read their scenario and discuss what the search committee might learn from it. Have each pair report back to the group. These are the topics of each scenario:
   I. Perception of men versus women in negotiations
   II. Eliminating a position and distributing the responsibilities among current employees
   III. Issues related to part-time positions
   IV. Differing attitudes towards different types of Jewish professionals
   V. Salary and retirement benefits

2. Review the chart listing benefit examples and existing benefit challenges (Figure 1) on page 71. Which of these benefits will you recommend your congregation offer the new hire? Note that it is important to find out whether such benefits are consistent with those received by other professionals in your employ. If your synagogue does not offer a particular benefit, consider whether it can be added in an equitable way to the compensation package for other employees.

3. Consider the statement on page 73, “As Jews committed to the fair and respectful treatment of all people, it is our obligation to view employment practices as rights of all employees, not privileges of those who negotiate for them.” Which employment practices
do the search committee view as employee rights? How can the search committee best advocate for the new employee on this issue?

Article 2 (15 minutes)

- “What is Possible: Striving for Gender Pay Equity,” by Rabbi Esther L. Lederman and Amy Asin

1. “At the URJ, we spend an incredible amount of time speaking about the sacred partnership between professional staff and lay leaders. It is the very foundation by which our congregations achieve their mission and purpose.” (page 77) What adjectives would you use to characterize the partnership between professional staff and lay leaders at your congregation? Review your congregation’s mission statement, if you have one. How does this partnership allow everyone to fulfill the congregation’s mission? For those congregations that do not have a formal mission statement, how does the lay-professional partnership support and enrich your synagogue community?

2. The search process itself offers opportunities to address pay equity even before a new employee is hired. To what extent is your process transparent about salary and benefits? (page 78) What steps might your search committee take to minimize implicit bias? (page 79) Does your committee anticipate negotiating with the chosen candidate? If so, will a female candidate be perceived negatively if she is a tough negotiator or even if she engages counsel to advocate on her behalf? (pages 80–81)

Article 3 (10 minutes)

- “Embedding Pay Equity into the Congregational Culture,” by Rabbi Paul Kipnes

Rabbi Paul Kipnes lists four ways in which a congregation can make a commitment to pay equity:

  I. Equity-Plus compensation
  II. Paid Family Leave
  III. Equity in Raises
  IV. Power Title

How has your congregation and your search committee addressed or anticipated these issues? In what ways does your congregation communicate that it values your employees, both during the search or hiring process and during employment?

For further reading and resources, including best practices in hiring for pay equity, please see the [Reform Pay Equity Initiative website](https://www.reformpayequity.org). In particular, review the article from the Harvard Business Review entitled, “7 Practical Ways to Prevent Gender Bias in the Hiring Process.”
Texts from Leviticus 19:13 and Deuteronomy 24:15-16 (For the Essay “Gender Pay Equity: A Textual Exploration for Justice” by Rabbi Mary L. Zamore)

Vayikra/Leviticus 19:13

You shall not defraud your fellow [Israelite]. You shall not commit robbery. The wages of a laborer shall not remain with you until morning.

Devarim/Deuteronomy 24:14-15

You shall not abuse a needy and destitute laborer, whether a fellow Israelite or a stranger in one of the communities of your land. You must pay out the wages due on the same day, before the sun sets, for the worker is needy and urgently depends on it; else a cry to the Eternal will be issued against you and you will incur guilt.
Charts from p. 52 and p. 56 (For the Essay “Pay Equity in the Reform Movement: An Unfinished History of Policy and Action” by Rabbi Marla J. Feldman)

Figure 1. Share of Congregational Rabbis by Job Title and Congregational Size for Men and Women

Figure 2. Cantor Pay for Select Categories, by Gender
Compensation Benefits: Five Scenarios

Scenario 1:

A synagogue was hiring two new rabbi-educators. The top two candidates were well qualified and brought comparable skills and strengths. One candidate was male. One candidate was female. Both were likely to accept the respective positions. During contract discussions, the male candidate chose to have legal representation and attempted to negotiate 10 percent more than the salary offered. The organization did not want to lose the candidate and was inclined to say yes. This decision involved several considerations: (1) The male candidate would potentially receive not only 10 percent more than offered in compensation, but also a larger contribution to his pension because pension is based on a percentage of salary. When salary rises, the pension contribution also grows. (2) Annual percentage salary and pension increases over time would further widen the gap between these similarly situated employees. (3) Studies show that men are more likely to negotiate than women, and when women do, it is perceived negatively.

While business leaders may be inclined to treat each situation differently, in a Jewish organization we should hold ourselves to a higher standard. If negotiation skills are not indicative of how the candidate will perform in the position she or he is being hired for, then a lack of negotiation should not play a role in compensation decisions. In this situation where positions are equal and candidates are equally qualified, equity reform demands that whatever one candidate negotiates, the other receives as well. In this case, that was precisely what the congregation decided to do.

Scenario 2:

A development director retired from a Jewish agency in a large metropolis. The agency’s board decided not to replace the director and instead asked the executive director to take on the core development work, which also included communications strategy. This change would save salary and benefits costs and help to offset an annual budgetary gap. The executive was not offered additional compensation and did not have capacity to take on all responsibilities of the previous development director. Some activities needed to be delegated elsewhere, contracted out, or removed from the priority list. With this plan, the agency may have saved some money, but did so by overly burdening existing staff members, creating impossible expectations, and establishing an unrealistic job description.

Scenario 3:

A large congregation employed a part-time education director on a salary representing 75 percent of a full-time salary. In lieu of full-time hours, the employee negotiated for 2 percent pension, additional time off, and a budget to pay for association membership fees. Nonetheless, the director consistently worked more hours each week than originally negotiated, totaling more
than forty hours. In reality, the position required full-time work, and a full-time salary should have been provided, along with other benefits accruing to full-time employees, including a higher level of pension benefits and coverage of association fees. Over this employee’s ten-year tenure, instead of receiving a full compensation package, she received thousands of dollars less in salary and related benefits than she should have. This inequity is not acceptable according to Reform Jewish values.

Scenario 4:

A female executive director was excited to be part of the leadership team that would revision the synagogue’s future. This executive accepted the position knowing the salary was slightly below the national median and without pension. She did not negotiate coverage for medical insurance beyond the standard package offered. In her third year of employment, a new male senior rabbi was hired. He negotiated full family medical coverage, full preschool and day school tuition for up to two children, and pension paid at a standard set by the CCAR. At the executive director’s contract renewal meeting, she requested a salary increase reflective of the national average for executive directors in like-size congregations, full medical coverage, and pension paid at the average percentage of salary for temple administrators. While the positions are different, the senior rabbi and executive director are the two senior professional positions within the synagogue and the colleagues are considered peers from a leadership perspective. Both report to the board of directors, both affiliate with professional organizations, and each have oversight for their areas of responsibility. This change would clearly demonstrate the synagogue’s commitment to equitable pay and compensation benefits; however, the lay leadership did not agree to the request, putting the organization at risk of losing this executive.

Scenario 5:

An executive retired after eighteen years of service in a local Jewish Federation. Over the course of her tenure, the Federation’s annual campaign had grown significantly due to the hard—and smart—work of the executive and her team. While given the title of CEO, the Federation’s leader had never requested any type of performance bonus and was satisfied with a salary at the low end of the national average. The Federation’s board determined a compensation package for the new executive and made decisions to include benefits not afforded the previous executive (including a pay-for-performance bonus, pension, and expanded time off). At her retirement party, the previous executive was presented with a check in an amount equal to three years of additional benefits based on what the new executive would be receiving. This was a welcome surprise, and while not necessary, reflected a commitment to pay equity reform.
FIGURE 1 (page 71)

<table>
<thead>
<tr>
<th>Benefit Examples</th>
<th>Existing Pay Equity Challenges</th>
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<tbody>
<tr>
<td>Insurance</td>
<td></td>
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<tr>
<td>Employer-paid medical, dental, and vision</td>
<td>Disparity in amount included in compensation package among different staff positions</td>
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<tr>
<td>Life insurance</td>
<td>Disparity when amount is based on % of salary</td>
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<tr>
<td>Parental/family leave</td>
<td>Disparity in application consistency</td>
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<tr>
<td>Paid time off (PTO)</td>
<td>Disparity in application consistency</td>
</tr>
<tr>
<td>Unemployment insurance</td>
<td>No disparity</td>
</tr>
<tr>
<td>Flexible spending accounts</td>
<td>Minimal disparity</td>
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<tr>
<td>Retirement</td>
<td></td>
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<tr>
<td>Pensions</td>
<td>Disparity based on classification of employees and percentages covered; gap increases over time</td>
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<tr>
<td>Professional Development</td>
<td></td>
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<tr>
<td>Professional association fees</td>
<td>Minimal disparity</td>
</tr>
<tr>
<td>Conference participation</td>
<td>Disparity based on classification of employees</td>
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<tr>
<td>Tuition reimbursement professional learning opportunities</td>
<td>Typically a negotiated benefit; disparity in allowing negotiation to favor one employee over another</td>
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<tr>
<td>Community and Wellness</td>
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<tr>
<td>Holiday and bereavement leave</td>
<td>Minimal disparity</td>
</tr>
<tr>
<td>Flexible schedules</td>
<td>Minimal disparity</td>
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<tr>
<td>Wellness memberships</td>
<td>Disparity based on classification of employees</td>
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<tr>
<td>Temple and agency affiliation fees</td>
<td>Disparity based on classification of employees and inappropriate alternative to fair salary</td>
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<tr>
<td>Jewish community school discounts</td>
<td>Disparity based on classification of employees</td>
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<tr>
<td>Other</td>
<td></td>
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<tr>
<td>Unique negotiated benefits</td>
<td>When subject to negotiation rather than uniform provided to similarly situated employees, there may be an inherent inequity</td>
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</tbody>
</table>