Supreme Court Rules on “Ministerial Exception” for Discrimination Claims Against Religious Organizations

January 12, 2012

In what is being viewed as a groundbreaking decision under federal law for religious organization employers, the U.S. Supreme Court held on Wednesday that religious organizations can assert an affirmative defense in employment discrimination and retaliation cases brought under federal statutes, such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act that would bar certain employees from obtaining relief under those statutes.

In a rare, unanimous decision, the Supreme Court formally adopted a “ministerial exception” to these federal anti-discrimination laws and held that applying federal anti-discrimination laws to employment decisions made by a religious organization with respect to its ministers or clergy violates the Establishment and Free Exercise Clauses of the First Amendment.

In *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission et al.*, a “called teacher” of a Lutheran elementary school who taught both a secular and religious curriculum was terminated from her employment. She filed a Charge of Discrimination with the EEOC alleging discrimination and retaliation under the Americans with Disabilities Act, and the EEOC filed suit on the teacher’s behalf.

After winding its way through the lower courts, the case was accepted for review by the Supreme Court. The issues before the Court were: (1) whether the “ministerial exception,” a doctrine developed and applied by many lower and federal circuit courts, applied to bar a “minister’s” employment discrimination claims against a religious organization, and (2) if the doctrine does exist, whether the employee in this case qualified as a “minister.”

Addressing the first issue, the Court held that the “ministerial exception” could be used by religious employers as an affirmative defense to bar their “ministerial” employees from bringing discrimination and retaliation claims. Writing for the Court, Chief Justice John Roberts noted:
“Requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision. Such action interferes with the internal governance of the church, depriving the church of control over the selection of those who will personify its belief.”

The Court concluded that interfering with these internal employment decisions of a religious group infringes on the Free Exercise Clause, “which protects a religious group’s right to shape its own faith and mission through its appointments.” The Court also found that imposing compensatory or punitive damages on a religious organization for its employment decisions would operate as “a penalty on a Church for terminating an unwanted minister,” which would be prohibited by the First Amendment.

Addressing the second issue, the Court found that the employee in this case, a “called teacher,” qualified as a “minister” and therefore, her ADA claim was barred. The Court expressed its reluctance “to adopt a rigid formula for deciding when an employee qualifies as a minister.” Nevertheless, it is clear from the Court’s decision that the “ministerial exception” is not limited to only ordained religious leaders or heads of congregations. So, for religious organization employers, this decision provides a potentially very important defense to claims brought by employees under federal discrimination laws.

You can read the full decision here. If you have questions about the decision or how it might affect your religious organization or employer, please contact Laura Windsor, Evan Pontz or another member of Troutman Sanders LLP’s Labor & Employment Group.

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