Can you refuse leave for nonreligious church events?

During Christmas and Hanukkah, some of your employees may have requested time off to attend religious services—as federal law allows them to do. But what if an employee wanted to go to church not for a religious service, but for a holiday sing-along or some other church event? Can you legally say “no”—or would that be considered discrimination? As this case shows, the devil is in the details.

Case in Point: Lois was a regular member of The Open Church and she often volunteered there. One Sunday, the pastor asked members to attend the groundbreaking ceremony for a new church building.

Lois—who worked IT for a Texas county—was scheduled to work that day, so she requested time off and arranged for a substitute to take her shift. Her boss turned down her leave request. Lois went to the church anyway and was fired. She sued, alleging religious bias.

Federal law makes it unlawful to discriminate against employees based on their religion. Employers must accommodate employees’ beliefs that are religious and “sincerely held,” and that can be accommodated without any undue hardship.

The county argued that Lois wasn’t compelled by church doctrine to attend the groundbreaking, so her request wasn’t based on a bona fide religious belief.

The court sided with Lois, saying it wasn’t the employer’s role to judge whether Lois’ beliefs were sincere or whether the groundbreaking was an important religious event.

As the court said, “A showing of sincerity does not require proof that the church event was, in itself, a true religious tenet, but only that (Lois) sincerely believed it to be religious in her own scheme of things.” (Davis v. Fort Bend County, 5th Cir.)

2 lessons learned … without going to court
1. Don’t try to judge religious sincerity. This court cautioned that “judicial inquiry into the sincerity of a person’s religious belief must be handled with a light touch, or judicial shyness ... examining religious convictions any more deeply would stray into the realm of religious inquiry, an area into which we are forbidden to tread.” The bottom line: If an employee says something is a religious belief, it is.

2. Be wary of trying to claim an “undue hardship.” The EEOC defines “undue hardship” as something that “requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees’ job rights or benefits (or) impairs workplace safety.” In this case, allowing Lois to take leave was not a hardship because she had already found a substitute. Plus, the county had earlier allowed another employee to take time off the same day to attend a parade! Inconsistent discipline will kill you in court.