

## COMPANY SUED FOR FAILURE TO ACCOMMODATE RELIGIOUS BELIEFS



A sales manager discussing religion at work was asked to stop and subsequently demoted. He resigned, but then sued the company, citing, among other allegations, a failure to accommodate his religious beliefs. Eric Weathers began working at FedEx in 1988 and was promoted to a sales manager position in Chicago in 2007. He described himself as a conservative evangelical Christian and belonged to a group with other Christian FedEx employees. He also spoke about his faith at sales conferences for the company. In August of 2007, an internal complaint was filed against Weathers. A female employee working under Weathers claimed that he was frequently quoting scripture to her and specified a passage which referenced a slave being obedient to a master, the implication being an employee/employer correlation. She further described his conduct towards her as “condescending” and “degrading.” Other employees who reported to Weathers were interviewed, but no additional claims of inappropriate behavior were determined. Consequently, in October, Weathers was issued a “letter of counseling,” differing from the more severe letter of warning, in which an employee would not be allowed to apply for another position. In essence, the letter informed Weathers that he had not violated a company policy but that he “must cease” religious discussions with fellow employees, even if the discussion is sparked by another worker. The following day, Weathers sent an email to an HR representative, hoping for clarification of the religious discussions not permitted. In what Weathers described as a “request for religious accommodations,” he asked about replying to religious questions posed by other employees. He received no response to his email inquiry. In the months that ensued, there were performance concerns with regard to Weathers. He was issued a second letter of counseling, which he denies receiving, followed by a letter of warning for “failure to meet expectations.” He was then demoted to a position with a reduction for bonus potential. Weathers alleges that his supervisor prior to the demotion “had it in” for him and that his failure inexorably resulted from the supervisor’s presence at the company. He resigned from FedEx approximately a month subsequent to being demoted. Weathers then filed a lawsuit against his former employers. The suit alleged a hostile work environment, constructive dismissal (in which the workplace has become so unbearable that the employee must resign, a compulsory act regarded as a termination), failure to accommodate his religious creed, employer retaliation, religious discrimination and emotional distress. An Illinois district court judge did not find adequate evidence of hostility in relation to Weathers’ religion and dropped the count for hostile work environment, also dismissing the constructive discharge count for the same reason. The count for religious discrimination was likewise thrown out as Weathers was unable to prove that he was meeting the company’s expectations and that other employees in similar positions but no concerns over religious beliefs were inversely treated. Weathers also had not provided sufficient proof that supported his claims for employer retaliation and emotional distress. However, the judge found merit in the claim of failure to accommodate, agreeing with Weathers that his October email was a genuine request for religious accommodations. A summary judgment for said count was granted, and the case will move to trial.