

IS IT WORTH IT TO SPEND \$150,000 TO BAN A \$10 ACCESSORY? SUIT RAISES RELIGIOUS ACCOMMODATION QUESTIONS



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Vincent Hickey, Jr., a born-again Christian worked as a full-time painter at the State University of New York at Stony Brook Hospital. Hickey, inspite of being told by his primary supervisor that he could not, persisted in wearing an "I Love Jesus" lanyard, slung around his neck. A lanyard is the name of the loop from which you hang identification badges and similar stuff. Hickey declined, arguing that the hospital's handbook did not forbid religious paraphernalia nor spell out a dress code or uniform for painters. Moreover, he said that people with other religious identities were allowed to wear their religious things and the hospital would first have to get them to remove those things, if he was expected to follow suit. Hickey was referring to the fact that a Muslim at the workplace wore a scarf; a Sikh staffer wore a turban whilst a Jewish employee was allowed to wear a yarmulke, a skull cap worn by conservative Jews. Hickey Jr. was fired from his job, following which he took the hospital to court, alleging religious bias. First round went to Hickey, when the judge ruled in his favor. This meant that the worker's religious discrimination and retaliation case would go to trial. Second round, the jury will deliberate the genuineness of Hickey's religious belief. If the jury concludes that Hickey really believed that he had to wear the lanyard, to prove his religious affiliations, then the hospital would have to accommodate his insistence on wearing the lanyard, unless they could prove that it was an 'undue hardship' to do so. Convincing the jury, that wearing a simple lanyard would be an undue hardship, would be beyond the abilities of even the best attorneys in the country. This legal controversy emphasizes that employers need to have a clearer policy on 'undue hardships' and replace the current fuzzy one, especially when it comes to accommodating worker's religious beliefs. Companies if they have a dress-code should clearly specify what clothing or accessories are not allowed and what are allowed for adherents of a particular religion and what is not. There should be no ambiguity or vagueness and the employee handbook should detail it comprehensively, even it means adding a couple more pages to the handbook. The company's inconsistent policy has landed it in a soup. By allowing the followers of other religions to wear scarfs, turbans and skull caps and not allowing Hickey to indulge in his religious beliefs is conflicting and contradictory. Companies can claim undue hardships if the objectionable religious article or accessory is hazardous and negatively impacts the safety of the workplace. It can also be claimed if other workers object to it, and it is found offending to customers or co-workers. Employers will be well advised to treat every individual belief as sincere and treat it with seriousness and not be trivial about it. Hickey was just a painter, a guy in the maintenance department. Was it that big a deal, if he was allowed to wear that lanyard? Had such a fuss not been made about it, it would probably have gone unnoticed. Especially since they had made exceptions for others, why was he singled out? It is expected that the legal costs of the suit will be around \$1 50,000. Is not allowing an employee to sport a "I Love Jesus" lanyard, really worth six or seven figures in legal expenses? Most would say "No."