

CHURCHES AND MINISTER LAWSUITS



According to the First Amendment, employees of certain religious organizations, particularly priests and ministers, are not allowed to sue for employment discrimination. This has been pointed out by the Supreme Court on Wednesday morning. Chief Justice John Roberts spoke out on behalf of the entire Supreme Court. He says, "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." He also says, "By imposing an unwanted minister, the state infringes the Free Exercise Clause, which protects a religious group's right to shape its own faith and mission through its appointments." Paul Horwitz, a law professor at the University of Alabama agrees completely with the decision of the Court. According to Horwitz, the church and state should be left separate, meaning that those employment discrimination laws should not apply to the church because it is viewed separately from the state rules. This all came about because of an unwanted minister, Cheryl Perich. During the year of 2004, Perich went on disability leave because she had been diagnosed with narcolepsy. The school in which she worked, Hosana-Tabor, asked her to resign if she would be absent for more than six months. However, Perich refused to resign. She did not want to resign and felt as though she should not have to. Instead of filing a request within the school, she filed a complaint with the EEOC because of the Americans with Disabilities Act. While Perich filed the complaint against the school in which she once worked, the Supreme Court eventually rejected the argument that Perich was trying to make about her employment. They believed that Perich qualified as a minister in this instance because she taught religion classes throughout the week, approximately four days out of the week, and she also taught prayers to students and took students to chapel. While Perich views herself as teacher, and she is a teacher, in this instance, she qualifies as a minister as well. Roberts wrote, "The issue before us is not one that can be resolved by a stopwatch. The amount of time an employee spends on particular activities is relevant in assessing that employee's status, but that factor cannot be considered in isolation, without regard to the nature of the religious functions performed." The Supreme Court agreed that because of the different religious functions that Perich performed within the church and for the students, it was fairly easy to come up with an agreement on whether or not she would be covered within the ministerial exception. The agreement was practically unanimous and because of that, Perich will no longer be a teacher for the school in which she once worked.

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