

EXCEPTION TO LAW FOR RELIGIOUS GROUPS



The Supreme Court has recently recognized the “ministerial exception” for employment discrimination laws. This is one of the most important religious decisions that have been made by the Supreme Court within the past twenty years. The law states that churches along with other religious groups will have to figure a way to pick the leaders of these churches and groups as well as dismiss such leaders when need be on their own terms, without the interference from the government. John G. Roberts Jr., the Chief Justice, wrote a letter saying, “The interest of society in the enforcement of employment discrimination statutes is undoubtedly important.” He also said, “But so, too, is the interest of religious groups in choosing who will preach their beliefs, teach their faith and carry out their mission.” While this decision was made, there still has not been much guidance on how the courts will decide which employees count as ministers and which do not. The court, unfortunately, were unable to figure an actual formula for figuring this out. This ruling will definitely have some consequences to many of the people who are employed by the churches and religious groups. Aside from ministers, rabbis, and priests being considered religious leaders and being the exception to the law, there are other employees who may be considered as a minister or religious leader as well. Such employees may include the teachers of religious schools along with religion instructions that teach about religion to students. A law professor at the University of Virginia, Douglas Laycock, is one of the individuals who argued on the case for the defendant. When he was asked about professors and instructors of Catholic universities and schools, he said, “If he teaches theology, he’s covered. If he teaches English or physics or some clearly secular subjects, he is clearly not covered.” This case was brought about by Cheryl Perich, a former school teacher for a religious school in the United States. Perich believed she was fired because she was pursuing discrimination against because of her disability. While Perich viewed herself as teacher and not a religious leader, the court disagreed with that her claims counted and because they viewed her as a religious leader for performing religious instruction to students during the day, she was unable to sue the school for discrimination since the state and church are separate. In the meantime, Chief Justice Roberts spoke up about Perich and says, “It is true that her religious duties consumed only 45 minutes of each workday.” He continued by saying, “and that the rest of her day was devoted to teaching secular subjects.” While her religious duties only took up about 45 minutes of the day, the court still viewed her as a religious leader regardless.