Engage PEO Client Alert:

U.S. Supreme Court Reaffirms "Ministerial Exception" For Teachers Working for Religious Organizations

On July 8, 2020, the Supreme Court issued a decision in the case of Our Lady of Guadalupe School v Morrissey-Berru in which it affirmed that teachers who engage in religious instruction at religious schools are precluded from bringing anti-discrimination lawsuits against their employers due to their inclusion within the Court's "ministerial exception."

Overview

The "ministerial exception" creates an exception to anti-discrimination laws. If the employee's employment meets the factors discussed in this paragraph, then those employees generally cannot bring anti-discrimination suits. The four factors to decide whether an employee is considered a "minister" are: (1) does the position have a formal religious title; (2) does the position reflect a significant degree of religious training followed by a formal process of commissioning; (3) does the employee present him or herself as a minister of the church; and (4) does the position convey the church's message and carrying out its mission. The Court clarified that meeting all of these factors is not essential and that "what matters, at bottom, is what an employee does."

The effect of this exception is that where the employer is a religious institution and the employee's job duties meet this "ministerial exception" which includes providing religious instruction, those employees were not allowed to bring a discrimination lawsuit against their employers

While the Supreme Court's Our Lady of Guadalupe School decision shows that teachers employed at religious schools whose duties include religious instruction most likely qualify for inclusion in the "ministerial exception", it is not clear whether the "ministerial exception" applies to non-teaching employees of religious organizations (i.e., coaches, camp counselors, nurses, social service workers, etc.).

Given that the four factors of the "ministerial exception" were not meant to be a "rigid test" and that ultimately, it is what an employee does that matters, how the "ministerial exception" will be applied to other categories of non-teaching employees may still be decided on a case by case basis depending upon the facts.

As always, all clients, including religious organizations, should continue to work with their Engage HR Consultant for assistance complying with these developments.