

# Don't Play God! Deciding 'Sincerity' of Employee's Religious Belief is Legal Blasphemy



In this month of Hanukkah and Christmas, your employees may be taking time off work to attend religious services, as federal law allows them to do. But what if, as in this case, an employee wants to go to the church not for a religious service, but for a holiday sing-along or other church event. Can you legally say “no” -- or would that be discrimination? As this case shows, the devil is in the details ...

**Case in Point:** Lois was a member of The Open Church and sometimes attended several services on Sundays and volunteered at the church. One Sunday, the pastor asked for all members to attend the groundbreaking ceremony for a new church building.

Lois was scheduled to work that day in her IT position for a Texas county, so she requested time off and arranged for a substitute to take her shift. Her boss turned down her request for leave. Lois went to the church anyway and was terminated. She sued, alleging religious discrimination.

Federal law—[Title VII of the Civil Rights Act of 1964](#)—makes it unlawful to discriminate against employees based on their religion. It requires employers to accommodate employees' beliefs that are religious and “sincerely held,” and that can be accommodated without any undue hardship.

The county argued that Lois wasn’t compelled by church doctrine to attend the groundbreaking, so her request wasn’t based on a bona fide religious belief.

The ruling? The appeals court sided with Lois, saying it wasn’t the employer’s role to judge whether Lois’ beliefs were sincere or whether the groundbreaking was an important religious event.

As the court said, “A showing of sincerity does not require proof that the church event was, in itself, a true religious tenet, but only that (Lois) sincerely believed it to be religious in her own scheme of things.” ([Davis v. Fort Bend County](#), 5th Cir.)

## 2 lessons learned ... without going to court

**1. Don’t try to judge religious sincerity.** This court cautioned that “judicial inquiry into the sincerity of a person’s religious belief must be handled with a light touch, or judicial shyness ... examining religious convictions any more deeply would stray into the realm of religious inquiry, an area into which we are forbidden to tread.” The bottom line: If an employee says something is a religious belief, it is.

**2. Be wary of trying to claim an "undue hardship."** The EEOC defines “undue hardship” as something that:

“requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees’ job rights or benefits (or) impairs workplace safety.” In this case, allowing Lois to take leave was not a hardship because she had already found a substitute. Plus, the county had earlier allowed another employee to take time off the same day to attend a parade! Inconsistent discipline will kill you in court.