

Supreme Court Rules 'Ministerial Exception' Not Limited to Jobs with Religious Titles

The Supreme Court of the United States on July 8, 2020, ruled in *Our Lady of Guadalupe School v. Morrissey-Berru* that the U.S. Constitution prohibits two lay teachers employed by religious schools from bringing discrimination claims against their employers. The Supreme Court's ruling clarifies that the "Ministerial Exception" is not limited to employees of religious institutions with official religious titles.

The Ministerial Exception—recognized in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* in 2012—bars courts from entertaining discrimination claims brought by certain employees of religious institutions. Specifically, the court found that an employee of an evangelical Lutheran school with the title "minister" was barred from bringing a discrimination claim against her employer because her termination "concern[ed] government interference with an internal church decision that affects the faith and mission of the church."

In *Our Lady of Guadalupe School v. Morrissey-Berru*, the Supreme Court rejected a "rigid" interpretation of the Ministerial Exception that would limit its reach to employees with the title of "minister" or something similar. Instead, the Court found that the two teachers' participation in religious education—teaching religion in the classroom, praying and worshiping with students, and undergoing religious-based performance reviews—and promotion of the schools' religious missions was enough to bar them from bringing discrimination claims against their employers.

The court's ruling provides expanded protections for religious-based employers by further limiting the number of employees that can bring discrimination claims. However, the decision does not bar *all* employees of religious institutions from bringing discrimination claims and should not be viewed as a license to discriminate. Instead, religious-based employers must carefully determine which employees are covered under the exception and be sure to otherwise adhere to anti-discrimination principles.

Questions an employer should ask when determining whether an employee is covered by the Ministerial Exception include:

- Whether the employee teaches religion;

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- Whether the employee’s job involves promoting your organization’s religious mission; and
- Whether the employee’s review process is based on a religion or religious values.

If you have questions about how the Supreme Court’s decision impacts your business, please contact [Rob Driscoll](#) or your Reinhart attorney.

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