U.S. Supreme Court Clarifies First Amendment "Ministerial Exception"

Federal Employment Statutes do not Apply to Ministers at Religious Institutions

January 12, 2012

On January 11, 2012, the U.S. Supreme Court adopted the court-created “ministerial exception” to the First Amendment of the Constitution, holding that the federal employment laws do not apply to ministers working at religious institutions.

In *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC,* a “called” teacher, working at a small Lutheran school, was placed on disability leave. Upon her return to work, the school told the teacher that her position was no longer available but offered to pay a portion of her health insurance in exchange for her resignation. The teacher refused and threatened to file a lawsuit, prompting the school to terminate the teacher because she “threatened to take legal action.” The EEOC brought a suit on behalf of the teacher, alleging that the school retaliated against her in violation of the Americans with Disabilities Act. In response, the school moved for summary judgment, citing the court-created “ministerial exception” to the First Amendment. The school argued that because the issues concerned the employment relationship between a religious institution and a minister, the ADA did not apply. The Eastern District of Michigan agreed and dismissed the case. On appeal, the Sixth Circuit Court of Appeals vacated the decision, finding that the teacher did not qualify as a “minister” because her duties as a “called” teacher were identical to the duties of a “lay” teacher.

Having never decided whether the First Amendment incorporated a “ministerial exception,” the Supreme Court granted the school's appeal and clarified that such an exception does exist and that because the teacher was named a minister and, at least at times, acted like a minister the ADA does not apply. The Court also held that because the exception is to insure that a church maintains authority to select and control who will minister to the faithful, a church need not demonstrate that it fired a minister for a religious reason. A religious institution may fire for good reason, bad reason or no reason at all.

What Does This Mean For Employers?

The Court's decision clarified that federal employment laws do not apply to ministers working at religious institutions and broadly construed the definition of “minister” to apply to someone designated by a church as a minister who at least arguably performs some ministerial functions. And, although the Court specifically refused to state whether the “ministerial exception” bars other types of suits, such as breach of contract or tort claims, it commented that “there will be time enough to address the applicability of the exception to the other circumstances if and when they arise.”