

Employment-Related Claims

Religious Creed Discrimination: To establish a claim that an employer wrongfully discriminated against you by failing to reasonably accommodate your religious belief or observance, you must prove that (1) the defendant was an employer or other covered entity (labor organization, employment agency, apprenticeship training program), (2) you were an employee of or applied to the defendant for a job, or performed services pursuant to a contract with defendant, (3) you have a sincerely held religious belief, observance or practice, which you can describe, (4) your religious belief or observance conflicted with a job requirement, (5) the defendant knew of the conflict, (6) the defendant did not reasonably accommodate your religious belief or observance, (7) the defendant discharged, refused to hire or took other adverse employment action against you for failing to comply with the conflicting job requirement, or you were constructively discharged for failing to comply, (8) you were harmed, and (9) the defendant's failure to reasonably accommodate your religious belief or observance was a substantial factor in causing your harm. If more than one accommodation is reasonable, the employer satisfies its obligation to make a reasonable accommodation if it selects one of those accommodations in good faith. CACI 2560.

Undue Hardship Defense: In this instance, the employer must prove that (1) it explored available ways to accommodate the employee's religious belief or observance, including excusing him or her from duties that conflict with his or her religious belief or observance, or permitting those duties to be performed at another time or by another person, and (2) the employer was unable to accommodate the employee's religious belief or observance without causing undue hardship on the conduct of the employer's business. An accommodation causes an "undue hardship" when it would have more than an insignificant effect on the business. CACI 2561.