# Unit 6 Assignment

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BU 642-8 Business and Labor Law

**INTRODUCTION**

This paper will analyze a hypothetical employment situation. The scenario involves the interaction between employee and the employer. The circumstances surrounding the employer and the business practices in regards to the employee, will be the focus of the analysis. The paper will examine the rights of the employee and employer under Title VII, The Civil Rights Act of 1964 as it relates to discriminatory employment practices.

**SCENARIO**

John is one of the best parcel delivery employees where you are the direct employer of John. Under his employment contract, it is John’s duty to deliver packages on the east side of town on Mondays, Wednesdays, and Fridays. John, who has never been a religious person suddenly becomes devoutly religious and joins a highly respected religious group.

John notifies you suddenly that it is against his religion to deliver packages on the east side of town on Mondays, Wednesdays and Fridays and therefore would be unable to do so. John then proceeds to notify you that his religious objection is protected under Title VII, The Civil Rights Act of 1964.

You also realize that if John refuses to discharge is his employment duties on the grounds that it violates his religious beliefs that it would cause an undue hardship for the company and risk losing some very valuable accounts.

As the company owner, what actions would you take in order to be sure that you are compliant under Title VII, The Civil Rights Act of 1964, yet ensure that packages are delivered on the side of town on Mondays, Wednesdays, and Fridays.” ("BU 642-8 Business and Labor Law Unit 6 Assignment", n.d.)

**FACTS**

1. John’s employment duties are to deliver packages on the east side of town.
2. John’s days of package delivers are Mondays, Wednesdays, and Fridays.
3. John has recently become devoutly religious.
4. John given notification that it is against his religion to deliver packages on the east side of town on Mondays, Wednesdays and Fridays.

**LAW**

Amendment I to the Constitution of the United States regarding freedom of religion, speech, and the press provides that:

“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.” (Baltzell, n.d.)

Title VII, the Civil Rights Act of 1964 regarding unlawful employment practices provides:

“(a) Employer Practices

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.” (“Title VII of the Civil Rights Act of 1964”, n.d.)

**RESPONSE**

John’s record with the company is a good one. He is considered one of our best employees. The employee’s work performance has no bearing on the present issue. Even if John’s performance was poor prior to the sudden changes in religion, it would not be a factor in decision-making regarding religious. Performance and religion are certainly two totally different and separate topics.

However, under the terms of John’s employment, he has a contracted agreement. The agreement was made prior to his change in religion. According to the terms of the employment contract, John’s job responsibilities consist of delivery of packages on the east side of town on Mondays, Wednesdays, and Fridays. In the past John has made such deliveries without issue. Recently, that has changed according to a notification that has been received from John.

“An applicant or employee who seeks religious accommodation must make the employer aware both of the need for accommodation and that it is being requested due to a conflict between religion and work.” ("Section 12 Religious Discrimination: Religion", 2008)

Though John signed a contract agreeing to deliver packages on the east side of town on Mondays, Wednesdays, and Fridays, it is my position that it is not a forfeiture of rights provided to him via Title VII of the Civil Rights Act of 1964. The company is not only under a legal obligation to provide reasonable accommodation but also a moral obligation to be inclusive an accommodating all employees.

“An accommodation is not “reasonable” if it merely lessens rather than eliminates the conflict between religion and work, provided eliminating the conflict would not impose an undue hardship. Eliminating the conflict between a work rule and an employee’s religious belief, practice, or observance means accommodating the employee without unnecessarily disadvantaging the employee’s terms, conditions, or privileges of employment.” ("Section 12 Religious Discrimination: Religion", 2008)

Presently, it is John’s position that based on his religion, he will be unable to make deliveries on the east side of town on Mondays, Wednesdays, and Fridays. Johns has cited that that if he continues to make deliveries on the east side of town on Mondays, Wednesdays, and Fridays, it will violate religious beliefs that are protected under Title VII, The Civil Rights Act of 1964. The company is now faced with an excessive hardship due to John’s sudden change in his stance regarding the delivery terms of his employment contract. The company has highly valuable business obligations to deliver packages on the east side of town on Mondays, Wednesdays, and Fridays. The potential failure to fulfil those deliveries, places the company at risk of losing those business accounts.

“It also is important to remember that even if an employer concludes that an individual’s professed belief is sincerely held and religious, it is only required to grant those requests for accommodation that do not pose an undue hardship on the conduct of its business.” ("Section 12 Religious Discrimination: Religion", 2008) It is my position that the company should not take the antagonistic stance of requiring the employee to prove sincerity of belief but to focus on the issue of accommodation in order that the company can more toward a position of resolving the issue in as little time as possible. This will help maintain the continuity of the business. “Employers must reasonably accommodate an employee’s religious belief even if the belief is not based on the doctrines of a traditionally recognized religion, such as Christianity or Judaism, or a denomination, such as Baptist. The only requirement is that the belief be sincerely held by the employee.” (Miller and Jentz, 2015)

**UNDERSTANDING THE CHALLENGE**

Our company has a legal obligation to be sure that we are compliant under Title VII, The Civil Rights Act of 1964. Our company also has a duty to the employee to be inclusive and accommodating. Our company is committed to fostering a company culture that welcomes diversity, accommodates employees of various backgrounds and faiths, and is inclusive. In pursuit of company policy and the law, it is necessary to understand the specific challenges that the employee’s job responsibilities present from him. The company believes that religion is a personal matter, to that end we refrain from posing intrusive questions to the employee. I have devised the following factors whereby to create possible solutions to meet the employee’s needs and the needs of the business:

1. Is the issue the act of delivery?
2. Is the issue the type of businesses being delivered to?
3. Is the employee facing a time-constraint issue?
4. Is it a matter of the days that the deliveries take place?
5. Is the location a challenge for the employee?

“While an employer is not required by Title VII to conduct a discussion with an employee before denying the employee’s accommodation request, as a practical matter it can be important to do so.” ("Section 12 Religious Discrimination: Religion", 2008)

Although the following questions are an attempt to identify the possible challenges that are a conflict for the employee, we can only identify the specific cause by making the inquiry to the employee. It is my position that any attempt to move forward without a discussion with the employee, is ineffective and the aforementioned questions should be presented to the employee. A discussion with the employee will provide clarity of the conflict whereby an “reasonable accommodation” as provided by Title VII of The Civil Rights Act of 1964. In an attempt to consider some possible solutions, listed some solutions has been created as a response the possible factors that are causing the conflict.

**REMEDIES**

1. Reassign the employee to a different job position. This would be a lateral reassignment.
2. Allow the employee to deliver to businesses suitable to the employee.
3. Create a different delivery schedule for the employee.
4. Make deliveries a day early.
5. Reassign the employee to a different delivery route containing locations in another area of town.

“An employer may be able to reasonably accommodate an employee by allowing flexible arrival and departure times, floating or optional holidays, flexible work breaks, use of lunch time in exchange for early departure, staggered work hours, and other means to enable an employee to make up time lost due to the observance of religious practices.” ("Section 12 Religious Discrimination: Religion", 2008)

“When an employee’s religious belief or practice conflicts with a particular task, appropriate accommodations may include relieving the employee of the task or transferring the employee to a different position or location that eliminates the conflict with the employee’s religion.” ("Section 12 Religious Discrimination: Religion", 2008)

It has been stated that the employee, John’s, not performing his job responsibilities would cause an undue hardship for the company. “Undue hardship may be shown if the accommodation would impose “more than *de minimis* cost” on the operation of the employer’s business.” ("Section 12 Religious Discrimination: Religion", 2008) The undue hardship is appears conditional. It is not a matter of John preforming the specific deliveries but a matter of the delivery being completed. Any employee can make such deliveries. The undue hardship is eliminated if the deliveries are completed.

It is my position that the proposed remedies are a feasible solution to the conflict regarding the religious rights of the employee and the business interest of the company. A discussion with the employee is necessary to identity which of the proposed solutions is adequate.

**CONCLUSION**

The employee as notified the company of a conflict with his job responsibilities and his religion. The employee has made it clear that he cannot make deliveries on the east side of town on Mondays, Wednesdays, and Fridays. The company should make reasonable effort to accommodate the employee. A discussion with the employee should take place in order to discover the specifics of delivery conflicts. This will allow the company to make appropriate accommodations. The employee’s work effect is a very good one. While all employees are valued, I view John as a highly valued employee based on his record of performance and it would be an undue hardship to the company to not accommodate the employee. John is an ideal employee.

## References

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