

Churches and employment law

By [Steve Thorngate](#)

October 5, 2011

Today the Supreme Court is set to hear arguments for [Hosanna-Tabor v EEOC](#), a major case about church exemptions to employment laws.

Wendy Kaminer [offers](#) a helpful introduction:

[Employment

Division v] Smith addressed individual practices associated with a minority faith (practices criminalized and demonized by the war on drugs.)

Hosanna-Tabor involves the governance of mainstream religious institutions. Whether and how much that factual distinction matters will help determine the scope of the "ministerial exception" and the rights of hundreds of thousands of employees in religious organizations, especially Cheryl Perich, a former teacher at Hosanna-Tabor Evangelical Lutheran Church and School.

Perich taught kindergarten and elementary school students, concentrating on secular subjects and using secular public school texts. But she had qualified as a "called teacher," earning a certificate of mission into the church's "teaching ministry." She taught a religion class 4 days a week, led her students in prayer, and conducted chapel services twice a year -- as did other teachers who were not "called" members of the teaching ministry.

Then, after some five years at the school, Perich fell ill and obtained a disability leave, with a promise that she could return to work when she got well. Months later, she was diagnosed with narcolepsy, successfully medicated, and assured by her doctor that she was fit to work. The school, however, had hired a replacement in her absence and resisted her efforts to return, disputed her doctor's assertion that she was healthy, and asked her to resign, claiming that she might endanger her students.

Relations between Perich and school officials broke down. She was told to leave the school when she reported for work, and when the principal informed her that she was likely to be fired, Perich responded that she had consulted a lawyer regarding a possible disability discrimination claim. The school fired her, citing her allegedly insubordinate and disruptive behavior and her threat to take legal action.

[Read it all.](#)