



Supreme Court Expands “Ministerial Exception” to Employment Discrimination Laws

On July 8, 2020, the Supreme Court expanded the scope of the “ministerial exception” to employment discrimination statutes. This exception is grounded in the First Amendment’s protections for religious institutions. In *Our Lady of Guadalupe School v. Morrissey-Berru*, the Court considered two cases involving elementary school teachers in Catholic schools who alleged that they were terminated in violation of federal employment discrimination law. Seven justices joined the majority opinion of the Court, holding that “When a school with a religious mission entrusts a teacher with the responsibility of educating and forming students in the faith, judicial intervention into disputes between the school and the teacher threatens the school’s independence in a way that the First Amendment does not allow.” A link to the full decision of the Court can be found [here](#).

Our Lady of Guadalupe School involved two teachers in Catholic elementary schools in the Los Angeles area, Agnes Morrissey-Berru and Kristen Biel. Ms. Morrissey-Berru had been a teacher at the Our Lady of Guadalupe School for many years. In 2014, she was asked to move from a full time to a part time position, and the following year, she was not offered a position. She brought a claim alleging that the school’s actions in reducing hours and terminating her were so that it could replace her with a younger teacher, in violation of the Age Discrimination in Employment Act. Ms. Biel had been a teacher for one year at the St. James School. When her contract was not renewed, Ms. Biel alleged that it was because she had asked for a leave of absence under the Americans with Disabilities Act, to obtain treatment for breast cancer. Both schools defended based on the ministerial exception, contending that the teachers were critically involved in religious instruction for their students, which barred the claims.

The Court agreed with the schools, and reaffirmed that the factors discussed in *Hosanna-Tabor* were not to be rigidly applied and directed courts to focus on “what an employee does” rather than religious training or titles. The Court made clear that religious institutions do not “enjoy a general immunity from secular laws.” Rather, the law “does protect their autonomy with respect to internal management decisions that are essential to the institution’s central mission. And a component of this autonomy is the selection of the individuals who play certain key roles.”

Key Takeaway

The First Amendment protects the right of churches and other religious institutions to decide matters of faith without government intrusion. Those protections extend to the employment context. When religious institutions make employment decisions regarding employees whose jobs include important religious functions, those decisions are protected by the First Amendment and are not reviewable by the courts.

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