



October 5, 2004

California Court of Appeal Faults Employer For Failing To Accommodate Religious Beliefs And Observances

A California Court of Appeal has opined that an employer's duty to accommodate religious observances extends to an employee's request to attend a three day religious convention even if attendance is not mandated by the religion. The Court found that the duty to accommodate was triggered so long as the desire to attend the convention, or other observance, flows from a sincerely held religious belief.

The case, *California FEHC v. Gemini Aluminum Corp.*, involved a long-term Jehovah's Witness named Lester Young who requested a Friday and Saturday off in order to attend an annual three-day convention. Attendance at the convention, while not mandated by the tenets of his religion, is considered a form of worship and religious study. Young had been a Jehovah's Witness and attended nearly every annual convention since 1970. He had been employed by Gemini Aluminum Corp. for approximately 15 months when he requested the time off. Gemini Aluminum Corp. summarily denied Young's request for days off and then terminated Young for taking the requested days off in contravention of his denied request.

The Court of Appeals opined that employers must accommodate any "sincerely held" religious belief or observance if reasonably possible without undue hardship. The observance need not stem from a "temporal mandate" under the tenets of the religion at issue. Likewise, it is not up to employers or the Courts to determine and judge the veracity of beliefs or observances.

As soon as an employer becomes aware of a sincerely held belief that conflicts with a requirement of employment, the employer must begin to explore all possible methods of reasonable accommodation. Moreover, notice to the employer does not require a complex explanation justifying the significance of the observance. The employee need only "cite a religious connection" to a supervisor. Because Gemini Aluminum Corp. did nothing to explore accommodation options after learning of Young's request for time off, it violated the law.

As illustrated by this case, the area of reasonable accommodation, both for religion and disability, is complex and littered with traps for the unwary employer. Before denying any request from an employee connected with religion, health, or medical conditions, all employers should consult with knowledgeable human resources staff or counsel.

For more information on this issue, please contact a member of the Labor and Employment Practice Group in one of our offices.

Los Angeles	San Diego	San Francisco
Charles F. Barker (213) 617.4168	David B. Chidlaw (619) 338.6614	Douglas J. Farmer (415) 774.2906
Elicia N. Bernstein (213) 617.5582	John D. Collins (619) 338.6613	Lara V. Hutner (415) 774.2903
Geoffrey D. DeBoskey (213) 617.5547	Julie A. Dunne (619) 338.6510	Otis McGee, Jr. (415) 774.3249
David Fishman (213) 617.4118	Guy N. Halgren (619) 338.6605	Michael Scarborough (415) 774.2963
Jason R. Gasper (213) 617.5499	Samantha D. Hardy (619) 338.6640	
Douglas R. Hart (213) 617.5497	Stacey E. James (619) 338.6581	Del Mar Heights
Derek R. Havel (213) 617.5424	A. Andrew Peterson (619) 338.6624	Richard M. Freeman (858) 720.8909
Kelly L. Hensley (213) 617.5441	Kim Snyder (619) 338.6506	Matthew McConnell (858) 720.8928
Tracey A. Kennedy (213) 617.4249	Mary P. Snyder (619) 338.6503	Carole M. Ross (858) 720.8925
Melissa P. Lopez (213) 617.4290	William V. Whelan (619) 338.6588	
Richard L. Lotts (213) 617.4119	Tara L. Wilcox (619) 338.6608	Santa Barbara
Daniel McQueen (213) 617.4270		Jeffrey Dinkin (805) 879.1828
Kristine Moon (213) 617.5523	Orange County	Deborah Martin (805) 879.1838
Richard J. Simmons (213) 617.5518	Heather Clark (714) 424.2820	
Dianne Baquet Smith (213) 617.4265	Greg S. Labate (714) 424.2823	Washington, D.C.
Beth S. Sonnenklar (213) 617.4187	Mary E. Lynch (714) 424.2826	Julia Perkins (202) 772.5316
Brandyn Stedfield (213) 617.5514	Ryan D. McCortney (714) 424.2830	Mary E. Pivec (202) 772.5310
Natalie C. Trask (213) 617.4229		
Jennifer B. Zargarof (213) 617.4243		

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP				
LOS ANGELES 213 620 1780	•	SAN FRANCISCO 415 434 9100	•	SANTA BARBARA 805 588 1151
			•	CENTURY CITY 310 228 3700
ORANGE COUNTY 714 513 5100	•	DEL MAR HEIGHTS 858 720 8900	•	SAN DIEGO 619 338 6500
			•	NEW YORK 212 332 3800
				• WASHINGTON, D.C. 202 218 0000
www.sheppardmullin.com				

For additional information about Sheppard Mullin, please contact us at 888.588.SMRH
 Client Relations Department
 333 S. Hope Street, 48th Floor
 Los Angeles, CA 90071