



# Church Members' Checklist for Sabbath Problems

## The Religious Liberty Department is here for You

The Southern Union Department of Public Affairs & Religious Liberty is your first line of defense when you are encountering a Sabbath employment problem. We have created a checklist of things you should review when Sabbath problems arise. Remember that this checklist is not meant to be your only help. We are available for consultation and further assistance as needed by our church members.

## Your Rights Under the Law

The Civil Rights Act of 1964 was amended to include issues of religious discrimination. As amended, it forbids discrimination on the basis of religion in workplaces where 15 or more people are employed, unless the accommodation requested would create an undue hardship.

An employer (or employment agency or labor union) has a duty to attempt to accommodate the religious beliefs of employees (and applicants) unless the employer can show that accommodation would result in an undue hardship on the operation of the business.

## Your Rights During the Job Selection Process

The EEOC Guidelines forbids an employer to ask a prospective employee any questions regarding availability to work on specific days, such as Friday night and Saturday, until the job has been offered. At that point, if the employer has a business necessity, he may inquire into your availability for Sabbath work, but he then has the same obligation to attempt to make an accommodation as he does for employees already on the job.

In your initial interview, if it is made clear that you are being hired to work on a shift that includes Sabbath, or that Sabbath work is a condition of employment you must decide whether the job is a good fit for you. You are not required to reveal your religious needs at an initial job interview, but at some point in time you will have to ask if accommodation will be possible. You are not required by law to do that until after the job has been offered to you. (continued on page 2)



### PARL Department

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## Your Rights During the Job Selection Process

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DO NOT accept employment conditions that include Sabbath work with the hope of making a change later. You must begin as you wish to proceed. When the job is definitely offered to you and the only problem is Sabbath scheduling, request an accommodation in harmony with Title VII of the Civil Rights Act and the EEOC Guidelines. If the problem arises during the interview, follow-up the conversation with a request in writing.

Some Sabbatharians have been refused employment when no Sabbath problem existed merely because the applicant brought the subject up in the application process and the employer decided to eliminate any potential problem.

If the job description includes Sabbath work hours, request an accommodation at the time of your acceptance. Your employer is entitled to prompt notice and you want to give them maximum opportunity to resolve the problem.

If the prospective employer fails to hire you, be sure to ask the reason you were denied employment, especially if the subject of Sabbath work was raised.

If refused employment because of Sabbath, obtain a copy of the labor contract to determine if it was the cause.

Keep all papers, ads, and notices of the job as well as any other documents relating to the prospective employer's advertising for the position.

***Remember to always conduct yourself above reproach. Some people know nothing about Seventh-day Adventists. Others know more than you may think. No matter where you work, you are the example to others.***

### Sabbath Scheduling

Contact the Religious Liberty Department for help. We are here to assist you.

- As soon as you know you are scheduled to work on Sabbath ask your supervisor for an accommodation for your Sabbath needs. If a verbal request is ignored, put your request in writing. DO NOT wait until the last minute. Sample letters are available.
- Be sure to fully explain your Sabbath needs.
- Do not attempt to write your letter alone. Consult with your pastor, Religious Liberty Leader or the Religious Liberty Department.
- The letter needs to explain that Sabbath begins at sunset on Friday and ends with sunset on Saturday.

## What To Do When Negotiating a Sabbath Schedule

- Do not be arbitrary or demanding.
- Be cooperative and flexible.
- Remember that you would not like an employee telling you how to handle your business.
- Offer to work on Sunday, reduce your work hours, trade shifts or make a lateral transfer to another position in order to solve the problem.
- When changing positions inquire into your seniority standing to be sure you do not lose seniority or pension rights.
- Do not offer to give up seniority rights or benefits without conferring with the Religious Liberty Department first.
- The burden of accommodation rests on your employer, but be cooperative in helping your employer find an accommodation even if it means changing shifts or transferring to a department with slightly less pay.
- If a test for employment selection is given on the Sabbath, ask for an alternative examination schedule. If a verbal request is denied, put it in writing. EEOC Guidelines include specific requirements for employers to make accommodations for training and examinations.

## Evidence for Your Case

Makes detailed notes of:

- People
- Places
- Times and Dates
- Conversations w/supervisors

Be sure to get copies for your records of any document you are given or signed. This includes any electronic documentation.

Keep your information in a safe, secure place.

If the Religious Liberty Department is helping you, be sure to send a copy of any document to them for inclusion in your file.

**Keep the Religious Liberty Department informed** of all changes in your phone number and address.

## Filing a Complaint or Grievance

Never threaten court of agency action. Explore every possible solution first; threats often make obtaining accommodations more difficult.

Although you have a legal right to file a complaint of religious discrimination with a local, state, or federal agency, the church urges you to **consult with the Religious Liberty Department** before filing. The church asks you to do this because the results in your case may affect other cases involving Seventh-day Adventist.



## What to Do When Disciplinary Action is Taken

Secure a copy of the labor union contract (if there is one) or the company work policies so that you know the procedures used for discipline and dismissal.

Insist on receiving written notices rather than verbal notices for disciplinary actions such as layoffs or terminations. If this is refused make a diary entry for future reference. Note all relevant items discussed.

If you are fired verbally, ask for a written notice which includes the reason for dismissal.

If you cannot obtain written notice try to return to work to make sure they have in fact dismissed you. Send a letter/email to your employer acknowledging that you were fired without written notice and state your understanding of the reason you **were** fired or disciplined. Please make sure you keep a copy of all correspondence.

## Never Voluntarily Quit Your Job



Keep it before the Lord in prayer

## Unemployment Action

- If you are dismissed, apply for unemployment compensation immediately. It is important for you to say you were dismissed for following your religious beliefs and practice when you file.
- If you lose your job, look for work. Keep a list of every contact, name, date and place you apply.
- If unemployment compensation is refused or appealed, **contact the Religious Liberty Department** immediately.
- When ANY disciplinary action is taken against you, **contact the Religious Liberty Department**. Deadlines for filing notices or appeals may be short. Your legal right to appeal may be in jeopardy if you delay.

## Additional Information

- **DO NOT QUIT YOUR JOB.** Never make a statement such as this, "I'll quit my job before I work on Sabbath." In some cases this has been construed to be a "voluntary quit."
- You should always **check with the religious liberty department** before quitting your job.
- If you are coerced into signing a statement of resignation or if you quit because your employer makes conditions unbearable redress may still be available depending on the circumstances.
- Remember, always conduct yourself as a representative of Jesus. Your witness, when properly given, may lead someone else to Christ.
- When in doubt in any of the cases above, **contact the Southern Union Religious Liberty Department**.

## Public Affairs & Religious Liberty

*IN THE SPIRIT OF CHRIST THE PUBLIC AFFAIRS AND RELIGIOUS LIBERTY DEPARTMENT IS WORKING TO DEFEND, PRESERVE AND EXPAND RELIGIOUS FREEDOM FOR ALL.*

## Conferences of the Southern Union

<b>Carolina Conference</b>	Elder Leslie Louis, PARL Director	704-596-3200
<b>Florida Conference</b>	Tim Goff, PARL Director	407-644-5000
<b>Georgia-Cumberland Conference</b>	Elder Tim Leffew, PARL Director	706-629-7951
<b>Gulf States Conference</b>	Elder Martin Fancher, PARL Director	334-272-7493
<b>Kentucky-Tennessee Conference</b>	Elder Rocky Davis, PARL Director	615-859-1391
<b>South Atlantic Conference</b>	Elder Everton Ennis	404-792-0535
<b>South Central Conference</b>	Elder Paul Goodridge	615-226-6500
<b>Southeastern Conference</b>	Elder Mark Brown	352-735-3142

Dear Faithful Church Member:

The religious liberty department is here for you when you need us. We understand that not everyone knows how to handle a religious accommodation problem in the workplace. Our best advice to you is to contact our office as soon as you know you are going to have a problem. Many issues can be resolved in a professional and Christ-like manner in a way that is a positive influence on those with whom you work.

The longer you wait to address the problem the more difficult it may become to get Sabbath accommodation.



In general most HR specialists in your company have rarely, if ever, had to deal with a Sabbath accommodation request and the initial response is usually not in keeping with what employment law requires. We will help you to understand what is required both from your end and your employer's end of the request.

Our offices are closed on Friday, so if you wait until the last minute, you will be facing the problem without the help of our seasoned staffed.

You can also visit our website at [www.southernunion.com](http://www.southernunion.com). Look for the Religious Liberty Ministry and fill out the Sabbath accommodation form then send it back to us. In most cases we will contact you within a day or two to discuss your situation.

We do more than pray for God's intervention, we work towards being a positive witness and finding a reasonable accommodation for all involved.