

The Supreme Court has observed that "neither a collective bargaining contract nor a seniority system may be employed to violate Title VII."

and privileges to employees. The Supreme Court has observed that "neither a collective bargaining contract nor a seniority system may be employed to violate Title VII, but we do not believe that the duty to accommodate requires an employer to take steps inconsistent with the otherwise valid agreement."³⁴

The mere existence of a seniority clause does not completely end the analysis in seniority-Sabbath cases. While employers are not required to breach their seniority systems to make accommodations for employees' Sabbaths, they must still attempt accommodations that are consistent with their seniority systems and that impose no more than a *de minimis* cost.³⁵ In a case involving a Carson City, Nevada corrections officer, a court found that establishing a system of shift trading that would allow an employee to permanently not work her Sabbath would constitute an undue hardship. However, the Court found that requiring the employer to create a shift with split days off might not create an undue hardship, provided that all employees were allowed to bid on the newly-created shift under the employer's collectively bargained seniority system.³⁶ In a case involving a small North Carolina police department, a court found that allowing an officer to not work on his Sabbath would have impaired the ability of the department to provide an acceptable level of law enforcement services, and was an accommodation that was unreasonable.³⁷

Officers Refusing To Enforce Particular Laws Because Of Their Religion.

A number of cases have involved law enforcement employers who have refused to accommodate requests made by their employees for alternate assignments in order to avoid a conflict with their religious beliefs. Thus far, employers have prevailed in all such cases.

For example, one case involved a state trooper who requested that his employer not assign him to investigate crimes at a casino. The trooper believed that the assignment would involve his facilitation of gambling, and would thus violate his religious beliefs. When the employer refused to accommodate the trooper's request and discharged him for refusing to work the casino detail, the trooper brought a religious discrimination suit.

A court upheld the trooper's discharge. As the following passage indicates, the Court was clearly concerned about any influence religion might have on the enforcement of the law:

"Many officers have religious scruples about particular activities: To give just a few examples, Baptists oppose liquor as well as gambling, Roman Catholics oppose abortion, Jews and Muslims oppose the consumption of pork, and a few faiths include hallucinogenic drugs in their worship and thus oppose legal prohibitions of those drugs. If the trooper is right, all of these faiths, and more, must be accommodated by assigning believers to duties compatible with their principles. Does the law require the State Police to assign Unitarians to guard the abortion

no p
grou
activ
a Re
and

R

E

I

I

I

I

I

I

I

I

I

I

I

I

I

I