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Washington Appeals Court Holds No Religious Accommodation Required Under WLAD

In [*Short v. Battle Ground School District*](#), Division II of the Washington Court of Appeals held last week that Washington's Law Against Discrimination, which makes it unlawful for employers to discharge employees because of creed, does not require employers to accommodate employees' religious beliefs.



Julie Short, a devout Christian, was employed as an assistant to the superintendent of the Battle Ground School District. Ms. Short alleged that the superintendent demanded that she to lie to a colleague about the existence of a meeting, even after she informed the superintendent that lying was contrary to her religious beliefs. After quitting her job, Ms. Short filed a lawsuit. One of the claims she brought was for failure to accommodate her religious beliefs. The trial court dismissed Ms. Short's claim on summary judgment.

The Court of Appeals affirmed. It acknowledged that such a claim exists under federal law, as Title VII expressly imposes an affirmative duty on employers to accommodate their employees' religious beliefs and practices. Washington's Law Against Discrimination, however, pre-dates Title VII and does not contain similar language. The Court of Appeals declined to read a duty to accommodate religious beliefs into the statute without any indication from the legislature or the Washington Human Rights Commission that such a duty was intended.

While the *Short* case is a victory for employers, the question of whether Washington's Law Against Discrimination requires employers to accommodate their employees' religious beliefs will not be resolved definitively unless and until the Washington Supreme Court takes up the issue. It declined to do so in *Hiatt v. Walker Chevrolet Co.*, a case decided almost 20 years ago, and has not readdressed the issue since. In *Hiatt*, the Court recognized that Washington's Law Against Discrimination did not *expressly* provide for a failure-to-accommodate claim but noted that it might *implicitly* require such accommodation. The Court declined to address the issue without more briefing, stating that it was an "important and complex question" that could have "constitutional implications."

It is also well-settled that Title VII requires employers with 15 or more employees to reasonably accommodate their employees' religious beliefs and practices, unless to do so would create an undue hardship upon the employer.

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