Bus 150--Religious Discrimination

1) Examples from the news (Domino's Pizza revisited)

2) Overview & examples:

*Employer cannot question sincerity of "unorthodox" belief; no well-recognized/organized religion required if closely-held belief/observance/practice occupies place of religion in employee's life

*No absolute prohibition--duty of reasonable accommodation if no undue hardship;

-Seniority vs. scheduling accommodations (Balint; Opuku-Boateng)

-"De minimus" standard for employer $$-based undue hardship (TWA v. Hardison)

*BFOQ defense easier to maintain for religious-based acts

Bus 150--National Origin Discrimination

1) Examples from the news

2) Overview & examples:
*Discrimination prohibited based on country of origin (of self or ancestors), including U.S., or possession of ethnic traits associated with particular place of birth, but not based on citizenship

*Often arises in adverse impact or hostile environment cases involving language fluency, "English only" policies, or height, etc., requirements

-Garcia v. Spun Steak (9th Cir. 1993; text @ 405)

-Amirmokri

[Now even more complicated after January, 2003 integration of immigration control issues within Homeland Security framework]