

Table 8-3

## APPLICATION OF SELECTED FEDERAL EMPLOYMENT AND CIVIL RIGHTS LAWS TO RELIGIOUS ORGANIZATIONS

STATUTE	MAIN PROVISIONS	COVERED EMPLOYERS
Title VII of 1964 Civil Rights Act	bars discrimination in employment decisions on the basis of race, color, national origin, sex, or religion	<ul style="list-style-type: none"> <li>• 15 or more employees + interstate commerce</li> <li>• religious employers can discriminate on the basis of religion</li> </ul>
Age Discrimination in Employment Act	bars discrimination in employment decisions on the basis of age (if 40 or over)	20 or more employees + interstate commerce
Americans with Disabilities Act	bars discrimination against a qualified individual with a disability who can perform essential job functions with or without reasonable employer accommodation (that does not impose undue hardship)	<ul style="list-style-type: none"> <li>• 15 or more employees + interstate commerce</li> <li>• religious employers can discriminate on the basis of religion</li> </ul>
Employee Polygraph Protection Act	employers cannot require, request, suggest, or cause any employee or applicant to take a polygraph exam	interstate commerce (no minimum number of employees)
Immigration Reform and Control Act	I-9 form must be completed by all new employees demonstrating identity and eligibility to work	all employers
Fair Labor Standards Act	requires minimum wage and overtime pay to be paid to employees	employers who employ employees who are engaged in commerce or in the production of goods for commerce, as well as any employee “employed in an enterprise engaged in commerce or in the production of goods for commerce”
Family and Medical Leave Act of 1993	eligible employees qualify for up to 12 weeks unpaid leave per year because of (1) birth or adoption of child, including care for such child, or (2) caring for spouse, child, or parent with a serious health condition, or (3) the employee’s serious health condition	50 or more employees + interstate commerce
Occupational Safety and Health Act	mandates a safe and healthy workplace for covered employees	an organization “engaged in a business affecting commerce who has employees”
Older Workers Benefit Protection Act of 1991	bars employees at least 40 years old from “waiving” their rights under age discrimination law unless the waiver meets strict legal standards	20 or more employees + interstate commerce