

CASE CITATIONS

1. *Riback v. Las Vegas Metropolitan Police Dept.*, 2008 WL 3211279, Case No. 2:07-CV-1152-RLH-LRL (D Nev Aug. 6, 2008).

Plaintiff Riback was an officer of the Las Vegas Metropolitan Police Department and an Orthodox Jew. In observance of his faith, Riback wore a beard and covered his head. Although both of these requirements conflicted with the Department's dress policy, Riback was permitted to maintain a beard and wear a baseball cap. Other requests, including not working on Saturdays and eating at kosher restaurants, however, presented conflicts within the Department, and so Riback then transferred to a non-uniformed Quality Assurance unit. He soon was asked to shave his beard.

Riback then requested religious accommodation to wear a beard and yarmulke, and the Department denied the request on the grounds that: (1) beards prevent the proper fitting of gas masks, (2) beards provide additional means for a suspect to gain an advantage when engaged in combat with an officer, and (3) beards undermine officer uniformity. The Department also stated that Riback could not wear his yarmulke because wearing religious symbols would undermine officer neutrality and erode public trust.

The court found that the Department policy violated the First Amendment's free exercise of religion clause to the extent that it permitted beards for medical reasons, but not for religious reasons, because such a distinction does not satisfy the applicable heightened standard of strict scrutiny. The policy also violated Title VII of the Civil Rights Act, which prohibits religious discrimination in employment, because the Department did not allow for religious accommodation. To establish a prima facie case under Title VII, a plaintiff must show that (1) he had a bona fide religious belief that conflicted with an employment duty, (2) he informed his employer of the belief and conflict, and (3) he was threatened or subjected to discriminatory treatment because of his inability to fulfill the job requirements. If the employee proves his prima facie case, the burden shifts to the employer to show it made good-faith efforts to

reasonably accommodate the employee's religious practice or that accommodation would cause it an undue hardship.

The court found that there were disputed issues of material fact regarding whether the Department had accommodated the request to wear a hat and denied summary judgment on that issue.

2. *Fraternal Order of Police Newark Lodge No. 12 v. City of Newark*, 170 F3d 359 (3d Cir 1999).

The court found that a policy of the Newark Police Department regarding the wearing of beards – allowed for medical reasons but not religious reasons – violated the free exercise clause of the First Amendment because the policy made exemptions for secular reasons but had no substantial justification for denying exemptions based on religious reasons.

3. *EEOC v. Alamo Rent-A-Car LLC*, 432 F Supp 2d 1006 (D Ariz 2006).

Bilan Nur is a Muslim woman who was hired by Alamo as a rental agent. While it employed Nur, Alamo had a "Dress Smart Policy" which prohibited certain types of dress and appearance but did not expressly prohibit the wearing of head scarves. Near the time of Ramadan, Nur asked if she could wear a head scarf and was told that she could do so but only when not at the rental counter. Nur then wore a head scarf at the rental counter and was disciplined and ultimately terminated.

The court analyzed these facts within the framework of Title VII of the Civil Rights Act and concluded that plaintiff had alleged a prima facie case (bona fide, religious belief, information provided to employer, discrimination). The burden then shifted to the employer, and the court concluded that Alamo was unable to show that it had initiated good faith efforts to reasonably accommodate the employee's practices, or that it could not reasonably accommodate the employee without undue hardship. Allowing Nur to wear her head scarf while not at the rental counter, but then requiring that she work at the rental counter, was not a reasonable accommodation. Further, the court was not persuaded that deviating from a "carefully cultivated image" was an undue burden on Alamo.