



NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC.
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To: Religious Objectors
From: Bruce N. Cameron
Re: Steps for Filing a Charge with the Equal Employment Opportunity Commission

Thank you for contacting me about filing a charge with the Equal Employment Opportunity Commission (EEOC). The National Right to Work Legal Defense Foundation provides information to assist employees who find that there is a conflict between their sincere religious beliefs and joining or financially supporting a labor union. If you have not already received a copy of my booklet which describes the rights of religious objectors, you can contact me for a free booklet or you can find it on the Internet at: <http://www.nrtw.org/ro1.htm>.

While the Foundation provides information about employee rights to all who inquire, it cannot extend formal legal assistance to all employees. As part of the legal information program, I informally help employees which allows them to file their own EEOC charges. It is extremely common that individual employees, without the formal assistance of lawyers, file charges with the EEOC.

By using these simple materials you can do most of the filing work yourself. However, I encourage you to contact me by phone (800-336-3600) or e-mail (bnc@nrtw.org) if you have any questions. I would rather answer your questions, than have you make a mistake which will harm your case. On the other hand, I ask you to read the materials I have provided before you call me.

Before you file an EEOC charge against the union or your employer, you must have put them on notice of your religious beliefs about supporting the union. If you have not done this, you will find in this package an outline of the type of information which must be in your notice. I strongly recommend that the notice be written.

To aid you in filing with the EEOC, I have enclosed a sample EEOC charge and a blank EEOC form. Using the sample charge, you should fill out the blank charge and send it to the local EEOC office. You can determine the location of your local EEOC office by calling 800-669-EEOC (800-669-3362). You should also make a copy of this charge and send it to your state agency which handles religious discrimination complaints. (This is not your state labor board.)

Also enclosed is a position statement which outlines the rights of employees who object to joining or financially supporting a labor union on religious grounds. I

have both a PDF (Adobe Reader) copy and a DOS text (txt) copy which can be imported into almost any Word Processing program. You can either send the PDF position statement to the EEOC as it exists, or you can modify the TXT version by inserting a section which describes the facts of your case. Adding the facts of your case is the better practice. Remember, in describing the facts of your case, it is extremely important to focus only on those facts which took place within the statute of limitations. (You should consult my religious objector booklet which explains that there is a basic 180 day statute of limitations which can, in most circumstances, be extended to 300 days.)

Also enclosed is a sample “factual statement” that you can use to get an idea of how you should write your own factual statement to add to your position statement. If you have some “unusual” issue, you should contact me. I may very well already have a written legal argument on your issue that I can send to you.

In addition to the Foundation’s legal information program, the Foundation also extends formal legal assistance to employees who wish to be represented by Foundation supplied lawyers to pursue their case. There is a formal application process that must be followed. While it is my goal to provide information and informal assistance to as many employees as possible, there is obviously a limitation on the number of cases in which the Foundation can provide support. At such time as you decide that you need formal legal help, please let me know so that I can assist you in meeting the application requirements. Foundation assistance is free.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.

ENTER CHARGE NUMBER

- FEPA
 EEOC

X ~~and EEOC~~ "X" by EEOC

 (State or local Agency, if any)

NAME (Indicate MC, MG, or ME) of the agency of your state which handles discrimination cases TELEPHONE NO. (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

Your name goes here
 NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE,
 STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)
 Your home address goes here Write the county in which you live

NAME NO. OF EMPLOYEES/MEMBERS TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE

Write the name of your local union List the number of union members List union phone number
 NAME TELEPHONE NUMBER (Include Area Code)

Write the address for your local union
 STREET ADDRESS CITY, STATE AND ZIP CODE

Write the name of the union's affiliate(s). (Use an extra page for more.) List the affiliates phone number
 CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE MOST RECENT OR CONTINUING
 DISCRIMINATION TOOK PLACE
 (Month, day, year)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 AGE RETALIATION OTHER (Specify)

THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s)):

Date union deducted fees or denied your accommodation request. Add "Continuing" Be sure w/i 300 days

A typical charge will :

1. Describe your employer, that it has a contract with the union (give name of union) and that the contract requires you to join or financially support the union as a condition of employment.
2. I have sincere religious beliefs which bar me from joining or financially supporting the union.
3. On (give date) I informed my union about my religious beliefs and asked for an accommodation.
4. On (give date) the union denied my request for accommodation. (Or, you can say the union deducted union fees from my paycheck against my will.) If the union threatened you with discharge, say so.
5. By these acts the union has violated my rights under Title VII of the Civil Rights Act of 1964, as amended, and parallel state laws.

[If your employer has also refused to accommodate you, fill out another charge, but list the information for the employer instead of the union.]

I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date your charge and sign your name here: _____ Charging Party (Signature)

NOTARY - (When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. State laws vary. If you know a notary, have this done.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

Sign your name here if you use a notary. If not, do not.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.

ENTER CHARGE NUMBER

- FEPA
 EEOC

_____ and EEOC
(State or local Agency, if any)

NAME (Indicate Mr., Ms., or Mrs.)

HOME TELEPHONE NO. (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NO. OF EMPLOYEES/MEMBERS

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

- RACE COLOR SEX RELIGION NATIONAL ORIGIN
 AGE RETALIATION OTHER (Specify)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year)

THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s)):

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date

Charging Party (Signature)

NOTARY - (When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

Outline for Religious Accommodation Request Letter

Draft a letter to the local president which follows this general outline:

1. Describe the nature of the problem. What is it the union does that makes you think it is sinful to support it?
2. Describe the nature of your religious beliefs. Cite the Bible (chapter and verse), church doctrine (or both) which forms the basis for your religious beliefs about supporting the union. Since only sincere religious beliefs are protected, you should not discuss politics, philosophy, history or personal differences with the union. You should discuss one thing and one thing only: how you understand your obligations to God.

Be nice about your objections. Remember, it is the union officials who will initially decide whether you should be accommodated. Telling union officials you think they are dishonest, thieving, murdering agents of Satan, and for that reason you do not want to support them, is not the common sense approach. One way to soften your letter is to refer to what you sincerely believe rather making statements of fact. Saying, "I believe, based on [Bible, doctrine] that abortion is murder," is softer than saying "Abortion is murder."

3. Tell the union what you want it to do to solve the conflict between your religious beliefs and supporting the union. The most common solution is redirecting the union fees away from the union to a charity. The best charity to suggest is one that you feel will be acceptable to the union and is also acceptable to you. Sometimes the charities available for religious objectors are listed in the collective bargaining agreement. Check your contract for this information.

Send me your draft by e-mail before you finalize it. (Sending attachments in Word is the most convenient for me.) After you finalize it, send copies to your employer and each level of the union. You will have proof that you sent the letter and copies if you send them certified, return receipt requested.

Bruce N. Cameron, J.D.

POSITION STATEMENT ON RELIGIOUS ACCOMMODATION

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*) requires that employers and unions attempt to accommodate the religious beliefs of employees who object to joining or financially supporting a labor union.

Allowing employees with religious objections to supporting labor unions to redirect their union fees to charity is the standard remedy under Title VII: Ninth Circuit: *IAM v. Boeing*, 833 F.2d 165, 168-69 (9th Cir. 1987); *Tooley v. Martin-Marietta*, 648 F.2d 1239, 1242 (9th Cir. 1981); *Anderson v. General Dynamics*, 589 F.2d 397, 401-02 (9th Cir. 1978); *Burns v. Southern Pacific Trans. Co.*, 589 F.2d 403, 406-07 (9th Cir. 1978). Seventh Circuit: *Nottelson v. Smith Steel Workers*, 643 F.2d 445, 451 (7th Cir. 1981). Sixth Circuit: *EEOC v. University of Detroit*, 904 F.2d 331, 335 (6th Cir. 1990) (withhold and redirect fees away from offending union); *McDaniel v. Essex*, 571 F.2d 338, 343-44 (6th Cir. 1978); 696 F.2d 34, 36-38 (1982). Fifth Circuit: *Cooper v. General Dynamics*, 533 F.2d 163, 168-70 (5th Cir. 1976) (exemption from payment). Third Circuit: *See, Jacobo Marti & Sons v. NLRB*, 676 F.2d 975, 979 (3rd Cir. 1982).

No U.S. Court of Appeals has ruled to the contrary.

Redirecting union fees to charity is also the religious accommodation endorsed by the EEOC. 29 CFR § 1605.2.

Title VII broadly protects the rights of employees of faith. Under Title VII, it is not necessary that the employee's belief be taught by any church or supported by any official church doctrine. *Boeing*, 833 F.2d at 169-70; *Young v. Southwestern Savings and Loan*, 509 F.2d 140 (5th Cir. 1975) (protection for an atheist). It is also unnecessary that the religious belief be logical, consistent, acceptable or even comprehensible in order to be entitled to protection. *See e.g., Thomas v. Review Bd.*, 450 U.S. 707, 715-716 (1981); *U.S. v. Ballard*, 322 U.S. 78, 86-87 (1944).

Employees of faith have these religious accommodation rights under Title VII regardless of state or federal labor laws that may appear to be inconsistent. *Boeing*, 833 F.2d at 168. In *Wilson v. NLRB*, 920 F.2d 1282 (6th Cir. 1990), the court held that a provision of the federal labor relations laws, which limited religious accommodation to only those employees who were members of churches with specific teachings on labor unions, was unconstitutional. Thus, any public employee union or public employer which insists that an employee of faith be a member of a specific church as a condition of religious accommodation has violated the constitutional rights and the Title VII rights of that employee.

In summary, employers and unions have an obligation under Title VII to attempt to reasonably accommodate employees who cannot, because of their personal religious beliefs, join or financially support a labor union.