

NOTICE:

Title VII provides that:

It shall be an unlawful employment practice for an employer: (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive, or tend to deprive, any individual of employment opportunities or otherwise adversely affect his status as an employee, on the basis of such individual's race, color, religion, sex or national origin. 42 U.S.C. § 2000e-2(a).

Title VII's anti-discrimination provisions apply to any employer who employs 15 or more employees for at least 20 weeks within a given year. *Id.* § 2000e(b). The term "employer"—as used in Title VII—is quite broad but does not include independent contractors (and perhaps others who are clearly not "employees" of the employer). *Salamon v. Our Lady of Victory Hosp.*, 514 F.3d 217, 226 (2d Cir. 2008).

According to the EEOC: "The fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee" *Guidelines on Discrimination Because of Religion*, 29 C.F.R. § 1605.1.

An employer may not question the validity of an employee's religious beliefs. Therefore, it is inappropriate for the employer to ask for any supporting statement from the employee's clergy or other religious authority.