

# The Oklahoma Business Ethics Consortium



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## Agenda – January 11, 2012

- I. **Welcoming Remarks & Kudos** – *Garyl Geist, Chief Operating Officer, Oklahoma Allergy & Asthma Clinic; President of OK Ethics Board*
- II. **Volunteer Recognition** - *Shannon Warren, Founder, OK Ethics*
- III. **Upcoming Events**
- IV. **Panel Presentation – “Religious Diversity: An Honest Dialogue”**
- V. **Adjourn**

**Volunteer Recognition:** Ok Ethics does not have a staff, so our volunteers play a crucial role by selflessly donating their time to keep the organization running smoothly. These are the people who have consistently gone above and beyond:

|            |             |                              |                         |
|------------|-------------|------------------------------|-------------------------|
| Bill       | Blew        | The Olive Branch             | Peacemakers Facilitator |
| Brent      | Martens     | Accounting Principals        | Ambassador Team         |
| Mark       | Neumeister  | D.R. Payne & Associates      | Registration Co-Chair   |
| Linda      | Streun      | Ideal Homes                  | Ambassador Chairperson  |
| Mary       | Vaughan     | CPA                          | Registration Co-Chair   |
| Susan      | Pate        | Stinnett & Associates        | Accounts Receivable     |
| Jamie      | Potter      | Eide Bailly                  | Facilities & Logistics  |
| Marvinette | Ponder      | Devon Energy                 | Registration Team       |
| Connie     | Rutz        | Maximum Multimedia Creations | Pre-meeting Slideshow   |
| Scott      | Harris      | Oklahoma Baptist University  | Ambassador              |
| Wayne      | Hart        | Legal Shield                 | Ambassador              |
| Joe        | Walker      | Wilbanks Security            | Registration            |
| Kim        | Whyburn     | Devon Energy                 | Name tags               |
| Michael    | Mount       | Oklahoma Accountancy Board   | CPE's                   |
| Colin      | Autin       | Oklahoma Accountancy Board   | CPE's                   |
| Kristy     | Boone       | Ideal Homes                  | Ambassador Team         |
| Lucius     | Crandall    | SandRidge Energy             | Ambassador Team         |
| Jenny      | Hatton      | Boeing                       | Ambassador Team         |
| Larry      | Musslewhite | Retired                      | Ambassador Team         |
| Bobby      | Redinger    | Cole & Reed                  | Ambassador Team         |
| Bertha     | Robinson    | Metro Technology Ctr.        | Agendas                 |

**REMINDER: PLEASE PICK UP CPE'S AT CONCLUSION OF EVENT.**

MANY THANKS TO OUR NAVIGATOR MEMBERS:



MANY THANKS TO OUR STAR MEMBERS:

ENTERPRISE HOLDINGS



### Volunteers (Continued)

Below is a list of other volunteers who have helped us from time to time over the course of the past fiscal year. We couldn't do this without you!

|          |             |          |            |             |            |
|----------|-------------|----------|------------|-------------|------------|
| Ray      | Belford     | Jenny    | Juvera     | Tonya       | Purvine    |
| John     | Burnett     | Elaine   | King       | Connie      | Root       |
| Bob      | Byrne       | Renee    | Kissler    | Dr. Earlene | Smith      |
| Ginger   | Castleberry | Sandy    | Lookabaugh | Melanie     |            |
| Debra    | Cooper      | Shelby   | Lynn       | Thompson    | Stillinger |
| Scott    | Cronk       | Jana     | Mahoney    | Mike        | Toler      |
| Carla    | Driskill    | Lynette  | Martin     | Melissa     | Vincent    |
| Tiffany  | Durham      | Tammy    | McKeever   | Brandy      | Weldon     |
| Debbie   | Forester    | Sue      | Miller     | Ted         | West       |
| Chris    | Gallegos    | Chade    | Nash       | Lynn        | Willis     |
| Ruth     | Giddens     | Kimberly | Nation     | Sheila      | Winn       |
| Valorie  | Hodges      | Mary     | Nemcok     | Daniel      | Yunker     |
| Deana    | Howe        | Jenny    | Parrett    |             |            |
| Mary Kay | Huggard     | Trish    | Potter     |             |            |

### Oklahoma Business Ethics Consortium Guiding Principles Adopted July, 2004

*To ensure that the Consortium fosters positive characteristics of integrity in the successful achievement of its goals, these Guiding Principles were discussed and adopted (with revisions) during a milestone planning session held by Consortium leaders in Stroud on June 18, 2004. These principles were developed based on the Character First Institute's values and philosophies.*

#### I. Responsibility to Self and Others:

- **Service:**
  - Passion for promoting ethics and integrity
  - Encouraging the promotion of ethical behavior through personal actions and
  - Sharing ideas and resources
  - Responsibility and accountability for fulfilling the mission of the Consortium.
- **Collaboration:**
  - Achievement of common goals through the promotion of ethical, mutually beneficial relationships
  - Service to the Consortium over promotion of self-interest
  - Cooperation emphasized over competition in promoting ethical business conduct
  - Members collaborate by being constructively engaged in discussions regarding ethics
  - Seeking consensus in interactive discussions regarding ethical matters.
- **Respect:**
  - Members may become aware of confidential information shared by others in an effort to determine an ethical course of action. We ask members to be sensitive in recognizing and respecting the efforts made toward achieving ethical behavior. In that vein, public disclosure of this information is discouraged.
  - We respect other members and the process by:
    - Exhibiting listening skills and actively listening to discussions
    - Being open to other points of view and outcomes
  - We are an inclusive organization and demonstrate this by welcoming members who are in different stages of learning as applied to ethical behavior.

**OK ETHICS VISION: To be recognized as a statewide and national forum for promoting business ethics.**

## Oklahoma Business Ethics Consortium Guiding Principles (continued)

### II. Lead with Integrity

- **Dependability:**
  - Members are asked to demonstrate their support of this initiative by consistently attending meetings.
- **Initiative:**
  - Recruiting other members who have demonstrated a desire to promote ethical behavior in their organizations.
  - Recognizing what needs to be done to help promote the Mission of the Consortium and taking action to assist in that effort.
- **Honor:**
  - Members are asked to honor the Consortium through the practice of integrity and ethical behavior in their business dealings.
  - We express gratefulness to our hosts, sponsors and speakers.
  - Realizing that each of us is in a mode of continual learning, we demonstrate humility, care and compassion when sharing our thoughts and knowledge.
- **Courage:**
  - Speak the truth with confidence and encourage others to do the same.

### III. Inspire Trust

- **We serve and promote the cause of truth with integrity, objectivity and fairness to all persons.**
  - We hold ourselves accountable by consistently honoring our word.
  - We extend trust abundantly to those who have earned it.
  - Trust, once earned, will not be taken for granted, manipulated or abused.

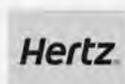
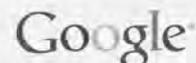
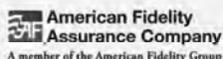
#### Did you know that.....

▶ The desire to serve may be universal human nature? According to a London-based paper, *The Telegraph*, **workers are more likely to stay with an employer that allows them to spend time working with charities.** Not only that, but today's workers are willing to take a sizeable pay cut in order to serve a company that fosters community service. The reporter, Deanne Dutton, also found that businesses willing to make these efforts tend to see an increase in productivity, too.

▶ Volunteers hone leadership and problem-solving skills, while strengthening their city's social infrastructure. According to a 2010 report by the Corporation for National & Community Service, **volunteers in Oklahoma City contributed over \$1 billion in service. On average, OKC volunteers donate an average of 47.2 hours per resident – ranking OKC as #2 among the 51 largest cities surveyed.**

▶ According to that same survey, the majority (44.5%) volunteer for religious organizations.

#### MANY THANKS TO OUR HORIZON MEMBERS:



# A Special Thank You

*to our Oklahoma Business Ethics Consortium Board of Directors...*

The OK Ethics Board of Directors is comprised of leaders from Oklahoma City and Tulsa who meet monthly to oversee the policies and practices of this professional organization (501(c)6).



**GARYL GEIST**  
President, Consortium Board  
Board Member Since 2008  
*Oklahoma Alleyway  
and Astina Clinic*



**MICHAEL OONK**  
President, Tulsa Chapter  
Board Member Since 2010  
*American Bank  
and Trust Co.*



**LYNN FLINN**  
Founder, Tulsa Chapter  
Board Member Since 2004  
*The Rowland Group  
of Staffing Companies*



**SHANNON HIEBERT**  
Vice President of Education &  
Mentoring, Founding Member  
Board Member Since 2003  
*Enterprise Rent-A Car*



**DAVID MAYFIELD**  
Treasurer  
Board Member Since 2006  
*Progressive Resources*



**SHANNON WARREN**  
Founder, Oklahoma  
Business Ethics Consortium  
Board Member Since 2003  
*Warren Consulting LLC*



**ROB MARTINEK**  
Vice President of Risk  
Management & Spirituality  
Board Member Since 2005  
*The Bama Companies*



**MYRNA SCHACK LATHAM**  
General Counsel  
& Founding Member  
Board Member Since 2005  
*McAfee & Tafi Law Firm*



**BOB BYRNE**  
Chief Diplomat  
Board Member Since 2005  
*Boeing (Retired)*



**KELLIAN SCHNEIDER**  
Vice President, Public Relations  
Board Member Since 2007  
*FullForce Marketing  
& Branding*



**LYNDA MOBLEY**  
Director  
Board Member Since 2010  
*ONEOK/ONG*



**TODD LISLE**  
Director  
Board Member Since 2008  
*BKL, Inc.*



**KEVIN KENNEMER**  
Director  
Board Member Since 2012  
*The People Group*



**RANDY THURMAN**  
Director  
Board Member Since 2012  
*Retirement  
Investment Advisors*



**VALERIE FRIED**  
Director Emeritus  
Board Member Since 2003  
*Capitol Abstract  
& Title Company*



**JANICE DOBBS**  
Director Emeritus  
Board Member Since 2003  
*Devon Energy  
Corporation (Retired)*

## OK ETHICS FOUNDATION BOARD



**SHANNON HIEBERT**  
President & Founding Member  
Board Member Since 2003  
*Enterprise Rent-A Car*



**PAM FOUNTAIN**  
Past President  
Board Member Since 2007  
*Principal Technologies*



**JOY LABAR**  
Treasurer  
Board Member Since 2011  
*SandRidge Energy*



**TONY BLASIER**  
Director  
Board Member Since 2010  
*Chesapeake Energy*



**BOB BYRNE**  
Director  
Board Member Since 2008  
*Boeing (Retired)*

*The Foundation is a 501(c)3 organization dedicated to sponsoring ethics initiatives on Oklahoma campuses.*



## **OK ETHICS NEEDS PART-TIME ADMINISTRATIVE HELP:**

Qualified candidates may submit resumes via email to Renee Kissler at Accel Financial Services at [rkissler@accelfinancial.com](mailto:rkissler@accelfinancial.com) or Brent Martens at Accounting Principals at [brent.martens@accountingprincipals.com](mailto:brent.martens@accountingprincipals.com)

*\* Note that OK Ethics is open to working with other agencies, provided that the fees and support capabilities are sufficient to meet our organization's needs. If you have questions, please contact Shannon Warren at 858-2233.*

**Deadline for submission of resumes is noon on Monday, January 16, 2012**  
**Be sure to note in subject line: "OK Ethics Member Care"**

### **Job Description Member Care Coordinator**

Working through a temporary agency, provides administrative support to the OK Ethics Consortium and Foundation. Offers consistent, conscientious and congenial assistance to the Founder, Boards of Directors as well as members and guests. Ideal position for someone who is semi-retired or a stay-at-home parent who has flexibility in schedule requirements, available to work part-time (roughly 20 hours per week, depending on seasonal demands.) Pay range is \$15 to \$18 per hour.

#### **CHARACTER QUALITIES:**

**Available:** Must be available to respond to questions via phone and email during the hours 8:30 to noon, Monday through Friday. Schedule may require increased number of hours during peak times such as monthly meeting dates, as well as in the fall membership drive, Statewide Student Ethics Challenge and spring Compass Awards. There are likely to be fewer hours in the summer months, so position requires an individual with a willingness to be flexible.

**Dependable:** Must honor commitments made to organization and members, even if it means unexpected sacrifice.

**Initiative:** Anticipates needs, provides information (e.g. Board reports), and offers suggestions for improvement without being asked to do it. Works from home, so must be a self-starter, disciplined in approach to completion of tasks with very little oversight.

**Thorough:** Position requires a conscientious attention to detail whether maintaining the member database, invoicing guests, proofreading promotional materials or preparing name tags.

**Virtuous:** We are an organization devoted to integrity in the workplace. While we don't expect perfection, the individual holding this position should reflect the highest standards of professionalism and integrity.

| Priority | % of Time | Task  |
|----------|-----------|---|
| 1        | 20%       | Responds (via email, phone or Facebook) to miscellaneous inquiries regarding OK Ethics events, billing and other issues raised by Founder and members   |
| 1        | 30%       | Maintains organization's website, ensuring that information is accurate and timely. Distributes event and special notices to members and guests.  |
| 1        | 15%       | Assists Treasurer by issuing invoices, reconciling accounts and updating Quickbooks. Monitors delinquent accounts and keeps Founder apprised of collection status. Performs follow-up calls as directed by Founder.   |
| 1        | 10%       | Assists with event preparation for monthly and special events such as the Student Ethics Challenge. This involves researching facilities, negotiating with vendors, as well as assisting with table assignments to maximize seating capabilities, preparing table signs, name tags, place cards, registration and ambassador lists for volunteers. May also be asked to run PowerPoint slide shows in the absence of volunteers as well as other support functions (e.g. registration) as needed. |
| 2        | 10%       | Provides support for Board meetings, Education Council and other special committee initiatives (such as the Executive Council) as needed. Records and posts minutes, prepares attendance and membership reports, as well as ad hoc reports.   |
| 2        | 5%        | Prepares surveys regarding effectiveness of each event (subject to approval by Founder and/or President); distributes surveys to meeting participants, monitors responses and compiles quarterly/annual reports.  |
| 2        | 1%        | Maintains online Board calendar to ensure Directors of both Boards are reminded of key events such as insurance renewals, tax filings, etc.   |
| 2        | 5%        | Monitors Facebook page, as well as other social media devices as needed. Posts routine event information and responds to simple inquiries, advises Founder of questions requiring a more in-depth response.   |
| 2        | 3%        | Performs other duties such as running errands, e.g. picking up member and guest recognition items, print materials or other tasks as needed.  |
| 2        | 1%        | Prepares routine press releases for approval by Founder and/or President; distributes to various media contacts and follows up to ensure receipt.   |

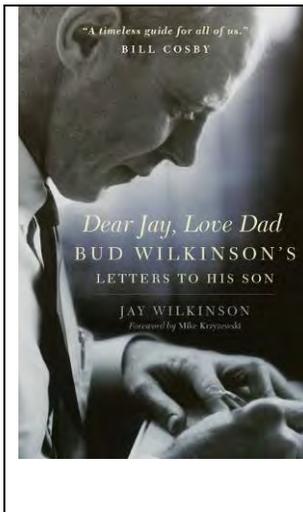
**Skills:**

Proficiency in Excel, Word, PowerPoint (and AV equipment, laptops), database management, Outlook and HTML.

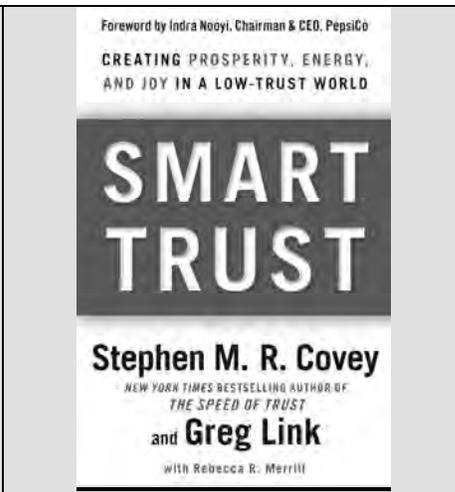
**Experience:**

At least one year's experience in accounting or other profession requiring a strong attention to detail, coupled with demonstrated ability to serve the public.

**UPCOMING OK ETHICS EVENTS: OKLAHOMA CITY CHAPTER**

|  |   |   |
|--|---|---|
|  <p>"A timeless guide for all of us."<br/>BILL COSBY</p> <p><i>Dear Jay, Love Dad</i><br/>BUD WILKINSON'S<br/>LETTERS TO HIS SON<br/>JAY WILKINSON<br/><i>Foreword by Mike Krzyzewski</i></p> | <p><b>February 8, 2012</b></p> <p><b>"A Champion's Perspective"</b><br/><b>Recommended for 1 CPE in Ethics</b></p> <p><b>Jay Wilkinson,</b><br/><b>Son of OU Coach Bud Wilkinson</b><br/>will share leadership principles related to character in this touching and practical program.</p> <p>Mr. Wilkinson will be available for a book signing after the program.</p> |  |
|--|---|---|

|  |  |
|--|--|
|  | <p><b>March 14, 2012</b></p> <p><b>"The Slippery Slope"</b><br/><b>David Myers</b><br/><b>Former Worldcom Controller</b></p> <p><b>Recommended for 1 CPE in Ethics</b></p> |
|--|--|

|   |   |  |
|---|---|--|
|  | <p><b>APRIL 18</b><br/><b>COMPASS AWARDS</b></p> <p>Featuring<br/><b>STEPHEN M. R.</b><br/><b>COVEY</b></p> |  <p>Foreword by Indra Nooyi, Chairman &amp; CEO, PepsiCo</p> <p>CREATING PROSPERITY, ENERGY, AND JOY IN A LOW-TRUST WORLD</p> <p><b>SMART TRUST</b></p> <p>Stephen M. R. Covey<br/>NEW YORK TIMES BESTSELLING AUTHOR OF<br/><i>THE SPEED OF TRUST</i><br/>and Greg Link<br/>WITH Rebecca R. Merrill</p> |
|---|---|--|

International speaker Stephen M. R. Covey is the *New York Times* and #1 *Wall Street Journal* bestselling author of *The Speed of Trust: The One Thing That Changes Everything*. He is the former CEO of Covey Leadership Center, which, under his stewardship, became the largest leadership development company in the world and today, as FranklinCovey, teaches trust in more than 100 countries.

**UPCOMING OK ETHICS EVENTS: TULSA CHAPTER**

|   |   |   |
|---|---|---|
|  |                    |                  |
| <p><b>Pete Winemiller,<br/>OKC Thunder</b></p> <p><b>January 26, 2012</b></p>     | <p><b>Clifton Taulbert<br/>Building Community<br/>Institute</b></p> <p><b>February 23, 2012</b></p> | <p><b>Professor Andrew Urich, JD<br/>Oklahoma State University</b></p> <p><b>March 24, 2012</b></p> |

**Religious Diversity: An Honest Dialogue**

**Religion’s Impact on Ethical Decision-making in the Workplace**

**COMMON CHALLENGES, COMMON MISPERCEPTIONS and COMMON GROUND**

This program will explore common misperceptions that create tensions in the workplace and hinder respectful, forthright dialogue. Discussions will center around shared ethical priorities among the Abrahamic faith traditions. It is appropriate for any leader or professional desiring a productive, diverse work environment.

**Recommended for 1 CPE in Ethics**

**About your presenters:**

|  |   |
|--|---|
|                                     | <p>Emmy award winning journalist, Gerry Bonds, was inducted into the Oklahoma Journalism Hall of Fame in 2008. She has a Bachelor’s Degree in English/Education from City University of New York and a Master’s Degree in English/Education from Western Connecticut State University. She has also completed some coursework toward her Ph.D. at the University of Oklahoma.</p> <p>Early in her career, Bonds taught English, Speech and Drama to high school students in New York and Connecticut. She then became a television news anchor with WTNH-TV in New Haven, Connecticut for eight years.</p> <p>Bonds moved to Oklahoma City in 1984, where she worked as the prime time news anchor with KOCO-TV for nine years. From 1992 to 1994, Bonds served as Vice President of Corporate Communications for a large regional investment banking firm. And, in 1995 she served as a corporate communications consultant for a local investment firm, in addition to teaching as an adjunct professor at Oklahoma City University, both in the Mass Communications Department and in the Master of Liberal Arts Program. In February of 1996, Bonds joined the Oklahoma Educational Television Authority(OETA) as the co-anchor of the nightly Oklahoma News Report, Oklahoma’s only statewide news report. She also began hosting a weekly interview program called Oklahoma City Metro.</p> <p>In 2010 Bonds established The Gerry Bonds Company, offering media and leadership training and coaching, as well as audio, video, public affairs and broadcasting services. In September of 2011, Bonds launched "The Living Room with Gerry Bonds," a monthly interview program on KOSU Public Radio, reaching listeners in Oklahoma, Missouri, Kansas and Arkansas. Bonds serves on the Board of Trustees for the Myriad Gardens Foundation, and the Metro Tech Foundation. She is also a founding member of the Juliette Low Society in support of the Girl Scouts, and a volunteer for the children at Positive Tomorrows. She is a Class V alumna of Leadership Oklahoma City.</p> |
| <p><b>Moderator<br/>Gerry Bonds<br/>KOSU Host - “The<br/>Living Room”<br/>Former co-anchor<br/>OETA’s Oklahoma</b></p> |   |

**Your presenters  
(cont'd)**



**Bishop Steven  
Charleston  
St. Paul's  
Cathedral  
(Episcopal)**

The Rt. Rev. Steven Charleston has been a Bishop in the Episcopal Church for almost a quarter of a century. He is one of the most recognized Native American clergy leaders in the United States and has been called "one of the best preachers in a pulpit today."

Bishop Charleston is from Duncan, Oklahoma. He is a citizen of the Choctaw Nation. He spent his teenage years in Oklahoma City where he discovered and embraced the church that was to be such an important part of his adult life. He attended Trinity College in Hartford, Connecticut, where he received his B.A. in Religion and then advanced to the Episcopal Divinity School in Cambridge, Massachusetts, where he earned his Masters of Divinity in 1976.

As an ordained priest, Bishop Charleston as the national director for Native American ministries in the Episcopal Church. He lived in the Lakota community of North and South Dakota, traveling extensively throughout the United States and Canada. In 1980 his gifts in leadership development and spirituality attracted the attention of academia and he was invited to join the faculty at the largest Lutheran seminary in America, Luther Seminary in St. Paul, Minnesota.

He became a tenured professor in Systematic Theology and taught on the graduate level for eight years. In 1989 He was elected as the Bishop of Alaska. He and his family moved to Fairbanks, Alaska, where Bishop Charleston was the first Native American to serve as Bishop in this community, one of the largest dioceses in the world. He flew throughout Alaska to reach his many congregations, from Barrow to Ketchikan, and from Canada to Kodiak island.

After five years of service in Alaska, he was called to become the President and Dean of his seminary alma mater. He returned to Cambridge where he guided this school, one of the sister schools with Harvard and Boston University, through some of their most challenging years. While other similar institutions were closing under economic change, his school maintained its place as one of the historic seminaries in our nation. Today, after many years of dedicated service, Bishop Charleston has returned to his native Oklahoma to be the interim Dean at St. Paul's Cathedral.



**Rabbi Barry Cohen  
Temple B'nai  
Israel**

Rabbi Barry Cohen became rabbi of Temple B'nai Israel in July of 2004, after having served as editor of the Jewish News of Greater Phoenix from 2001-2004. He had previously held the title of community editor for one year. From 1998-2000, he served as assistant rabbi of Temple Beth Israel in Scottsdale.

Cohen was born and raised in Memphis, Tennessee. He graduated from the University of Michigan in 1992 with high distinction. He then entered Hebrew Union College-Jewish Institute of Religion. He served student congregations in Seminole, Oklahoma; Beckley, West Virginia; Midland-Odessa, Texas; and Parkersburg, West Virginia. In addition, he trained as a hospital chaplain at the Veteran's Hospital in Atlanta, Georgia, in the summer of 1995. After the completion of his third year of studies, Cohen returned to Memphis to serve as the rabbinic intern at his home congregation, Temple Israel.

During his final year at HUC-JIR, he met his wife, Jennifer Cohen (then Jennifer Marwil). In 1998, he received his rabbinic ordination from the Cincinnati campus of HUC-JIR.

## Your presenters (cont'd)



**Imam Imad Enchassi  
& President, Islamic  
Society of Greater  
OKC**

Dr. Imad Enchassi grew up in the Palestinian refugee camps in Beirut, Lebanon. His experiences as a child surrounded by war and conflict, have shaped his passion as an adult for promoting unity and understanding. When asked about living through the massacres in the Sabra & Shatila Refugee camps, Dr. Enchassi says:

*"Sometimes I think God exposed me to so much hatred and violence, so that I can be a voice for love and peace"*

After moving to the US at the age of seventeen, Dr. Enchassi began a long journey in education, receiving business management degrees from South Plains College and Southern Nazarene University, and then he completed his masters in management from the University of Phoenix. He used those degrees to excel in the restaurant industry as a regional director and advisor for nearly two decades.

In 2004 Dr. Enchassi made a career move, turning his previous part-time volunteering activities into a full time commitment by becoming the founder and Executive Director of the Mercy Education Foundation- a multi-million dollar project creating the first accredited Islamic school of Oklahoma City. During that time he also became the founder, Imam and President of the Islamic Society of Greater Oklahoma City (ISGOC). In that role he studied overseas at the Daawa University Institute, and the University Institute for Islamic Studies in Lebanon where he received his Bachelors, Masters, and two Doctorate Degrees in Islamic Studies.

As the Imam at ISGOC, Dr. Enchassi is also in charge of organizing outreach and curriculum with the Muslim community, and non-Muslim communities throughout the state of Oklahoma. He is a highly sought after public speaker, and he is regularly booked to address audiences at academic institutions, government functions, and interfaith events to offer his expertise in Muslim principles, comparative religions, interfaith dialogue, and human rights.

Among his many honors, Dr. Enchassi received the Interfaith Alliance Community Service Award, and was named a Visionary in Religious & Education Outreach in the Daily Oklahoman's 2011 Progress Edition.

### **General Program Disclaimer:**

Members of the Oklahoma Business Ethics Consortium frequently share information concerning various issues and developments that may have legal implications. The discussions, commentary, and handouts at Consortium meetings or presentations to other organizations are for general informational purposes only. They cover only some aspects of the subject topic, and do not constitute a complete legal analysis of the topic or how it might apply to any particular set of facts. Before taking any action based on information presented during a Consortium event, participants are encouraged to consult a qualified attorney. The observations and comments of presenters at Consortium meetings and networking are the views and opinions of the presenter and do not constitute the opinion or policies of the Consortium or any of its members. Presenters are respectfully requested to avoid profanity, preaching, politics, put-downs and self-promotion during their lectures

### **CPE CERTIFICATES**

It is the responsibility of participants to demonstrate applicability of each program as it relates to his/her area of practice. OK Ethics makes no guarantees. Also, **attendees must be present** to accept CPE certificates and these will be issued at the back of the room upon the conclusion of the program.

**Please note that we do not have the manpower capabilities to email these later.** CPE certificate recipients must be registered on our attendance list to receive a certificate, so please be sure to check in with the registration team.

## **Program Outline:**

1. **Brief Overview of Faith Perspectives**
  - a. Core tenets (Time constraints limit an in-depth exploration, but will allow for some basic historical information.)
  - b. Representation in the U.S. and Oklahoma (see page 13)
  
2. **Common Challenges:**
  - a. Religion is a touchy topic – Broncho’s Tim Tebow expression of faith; Lowe’s pulling ad from television show *All-American Muslim*.
  - b. Challenges encountered at work because of faith practices and traditions.
  - c. Different interpretations within same religions – cultural influences
  
3. **Common Misperceptions:**
  - a. What is Islamaphobia? How widespread is it and how does it manifest itself in the workplace?
  - b. Christian outreach – obeying God by sharing His Word
  - c. Jewish stereotypes
  - d. Traditional religious practices that may impact the role of women in the workplace
  - e. Other
  
4. **Common Ground:**
  - a. God of Abraham
  - b. The Ten Commandments
  - c. Concern for community; encouraging social responsibility
  - d. Respect for others
  - e. Other

## **NOTES:**

## **Religion and the Workplace**

*By Shannon Warren, Guest Columnist for The Journal Record*

*Published January 9, 2012*

Religion can be a dicey issue for business, as recently witnessed in the saga involving Lowes. The home improvement chain accelerated concerns about the spread of Islamaphobia after it yanked its ads from the television show, TLC's *All-American Muslim*. Then came disrespectful tweets from HBO's Bill Maher toward the Christian views expressed in an ad by Broncho's Heisman award-winning quarterback, Tim Tebow. Neither Lowes nor Maher represent prudent examples, so what is a business to do?

In an effort to promote peace in the workplace, some business leaders squelch any expression of faith. However, whether we follow teachings of Muhammed, Moses, Buddha or Jesus, the principles being taught are designed to guide our daily lives. It is naïve for organizations to expect individuals to ditch their faith principles at their employer's door.

The trepidation business leaders feel when grappling with this sensitive topic is valid. While, I am not advocating a free-for-all conversation about religion in corporate hallways, there has to be a better way than just ducking it altogether. Without forthright, respectful dialogue we are doomed to act on prejudices and untrustworthy information.

That makes us susceptible to fear and undermines trust in the workplace. In 2008, OK Ethics began hosting panels featuring some of Oklahoma City's foremost religious leaders. We figured that if a Jewish rabbi, Muslim Imam and Methodist preacher could get along, then maybe we could all learn something about cooperation and civility. A good starting point involved discovering what we have in common.

For instance, mainstream Christians, Muslims and Jews believe in the ultimate transparency - one God who holds everybody accountable for their actions. Character traits such as honesty, patience and moral courage are taught through stories of Moses and Abraham. Helping the poor is strongly encouraged. Stories from the King James, Hebrew Bible and Quran emphasize fair play in business and in life.

There are many differences in our beliefs, even among this country's dominant number of Protestants. However, we must engage in thoughtful conversations that will lead us to a common ground of higher good. Only through interfaith dialogue can we achieve loftier goals for our community, such as fostering peaceful coexistence, optimal social responsibility and integrity in the workplace.

## Religion in America: 2007 Pew Forum Report

### Religious Representation in the U. S. and Oklahoma

| Major Religious Traditions in the U.S.     |             |   |   |
|--|-------------|---|---|
| <i>Among all adults...</i>                 |             |   |   |
| %  |             |   |   |
| <b>Christian</b>                           | <b>78.4</b> | • | <b>Evangelical Protestant Tradition</b>   |
| Protestant                                 | 51.3        |   | 53% - Oklahoma  |
| <i>Evangelical churches</i>                | 26.3        |   | 26% - National  |
| <i>Mainline churches</i>                   | 18.1        | • | <b>Mainline Protestant Tradition</b>  |
| <i>Hist. black churches</i>                | 6.9         |   | 16% - Oklahoma  |
| Catholic                                   | 23.9        |   | 18% - National  |
| Mormon                                     | 1.7         | • | <b>Catholic Tradition</b>   |
| Jehovah's Witness                          | 0.7         |   | 12% - Oklahoma  |
| Orthodox                                   | 0.6         |   | 24% - National  |
| <i>Greek Orthodox</i>                      | <0.3        | • | <b>Mormon Tradition</b>   |
| <i>Russian Orthodox</i>                    | <0.3        |   | < 0.5% - Oklahoma   |
| <i>Other</i>                               | <0.3        |   | 2% - National   |
| Other Christian                            | 0.3         | • | <b>Jehovah's Witness Tradition</b>  |
| <b>Other Religions</b>                     | <b>4.7</b>  |   | < 0.5% - Oklahoma   |
| Jewish                                     | 1.7         |   | 1% - National   |
| <i>Reform</i>                              | 0.7         | • | <b>Other Christian Traditions</b>   |
| <i>Conservative</i>                        | 0.5         |   | < 0.5% - Oklahoma   |
| <i>Orthodox</i>                            | <0.3        |   | < 0.5% - National   |
| <i>Other</i>                               | 0.3         | • | <b>Jewish Tradition</b>   |
| Buddhist                                   | 0.7         |   | < 0.5% - Oklahoma   |
| <i>Zen Buddhist</i>                        | <0.3        |   | 2% - National   |
| <i>Theravada Buddhist</i>                  | <0.3        | • | <b>Muslim Tradition</b>   |
| <i>Tibetan Buddhist</i>                    | <0.3        |   | < 0.5% - Oklahoma (Note that a 2010 report by <i>The Economist</i> indicated a population of roughly 1% or 30,000 out of a state 3.7 million people.) |
| <i>Other</i>                               | 0.3         |   | 1% - National   |
| Muslim*                                    | 0.6         | • | <b>Buddhist Tradition</b>   |
| <i>Sunni</i>                               | 0.3         |   | 1% - Oklahoma   |
| <i>Shia</i>                                | <0.3        |   | 1% - National   |
| <i>Other</i>                               | <0.3        | • | <b>Hindu Tradition</b>  |
| Hindu                                      | 0.4         |   | < 0.5% - Oklahoma   |
| Other world rel.                           | <0.3        |   | < 0.5% - National   |
| Other faiths                               | 1.2         | • | <b>Other World Religions</b>  |
| <i>Unitarians and other liberal faiths</i> | 0.7         |   | < 0.5%  |
| <i>New Age</i>                             | 0.4         |   | < 0.5%  |
| <i>Native American rel.</i>                | <0.3        | • | <b>Other Faiths</b>   |
| <b>Unaffiliated</b>                        | <b>16.1</b> |   | 1%  |
| Atheist                                    | 1.6         |   | 1%  |
| Agnostic                                   | 2.4         | • | <b>Unaffiliated</b>   |
| Nothing in particular                      | 12.1        |   | 12%   |
| <i>Secular unaffiliated</i>                | 6.3         |   | 16%   |
| <i>Religious unaffiliated</i>              | 5.8         | • | <b>Don't know/ refused</b>  |
| <b>Don't Know/Refused</b>                  | <b>0.8</b>  |   | 1%  |
|  | <b>100</b>  |   | < 0.5%  |

Due to rounding, figures may not add to 100 and nested figures may not add to the subtotal indicated.

\* From "Muslim Americans: Middle Class and Mostly Mainstream," Pew Research Center, 2007

Oklahoma: ± 5.0% margin of error, 465 cases  
National: ± 0.6% margin of error, 35,556 cases

**Islam Supports Bible's Ten Commandments** - Provided by Dr. Imad Enchassi

| <b><i>Verses of the Exodus Ch. 20</i></b>   | <b><i>Parallel Verses of the Quran</i></b>   |
|---|--|
| 3: "Do not worship any other gods besides me."  | "And your Lord has ordained that you should not worship anyone except Him" ( 17:23 )   |
| 4-6: "Do not make idols of any kind, whether in the shape of birds or animals or fish. You must not bow down to them, for I, the LORD your God, am a jealous God, who will not share your affection with any other god! I do not leave unpunished the sins of those who hate Me, but I punish the children for the sins of their parents to the third and fourth generations. But I lavish my love on those who love me and obey their commands even for a thousand generations."   | <p>"And shun unclean idols" ( 22:30 )</p> <p>"When Abraham said, O my Lord,... and save me and my offspring from worshipping idols" ( 14:35 )</p> <p>"When Abraham said to his father... do you adopt idols as your things of worship? I see you and your tribe in open error" (6:74)</p> <p>"When (Abraham said to his father and tribe,"What are these images that you sit around? They said, "we found our ancestors worshipping them. (Abraham) said, "Verily, you and your ancestors were in open error" ( 21:52 -54)</p> |
| 7: Do not misuse the name of your LORD the God. The LORD will not let you go unpunished if you misuse His name.   | "And do not make Allah a target for your oaths for doing good or avoiding evil or reconciling people (2:224)   |
| 8-11: "Remember to observe the Sabbath day by keeping it Holy. Six days a week are set apart for your daily duties and regular work. But the seventh day is the day of rest, dedicated to the LORD your God. On that day no one in your household may do any kind of work. This includes you, your sons and daughters, your male and female servants, your livestock, and any foreigners living among you. For in six days the Lord made the heavens, the earth, the sea, and everything in them; then He rested on the seventh day. That is why the LORD blessed the Sabbath day and set it apart as holy. | <p>And We said to them, "Do not violate Sabbath, and We took from them a solemn Covenant" (4:154)</p> <p>"He created the heavens and the Earth in six days, and then He settled down on the Throne to administer matters". (10:3)</p> <p>"Everyday He is busy in a new way" (55:29)</p> <p>"Neither drowsiness nor sleep overcomes Him...He is not fatigued by taking care of both (Heavens and Earth)". (2:255)</p>   |

|  |   |
|--|---|
| <p>12: "Honor your father and mother. Then you will live a long, full life in the land the LORD your God will give you.</p>                                    | <p>"And your Lord ordains that you do not worship anyone but only Him, and do good to your parents. If they reach old age before your eyes, any one of them or both, then do not say a word of criticism to them and do not scold them, rather speak kindly to them. And lean your wing of humility towards them and pray, "O Lord, have mercy on them as they had brought me up since my childhood" ( 17:23 -24)</p> |
| <p>13: "Do not murder.</p>   | <p>"And do not kill anybody that Allah has prohibited except when you have a right to kill" (6:151)</p>   |
| <p>14: Do not commit adultery.</p>   | <p>"And do not even go near adultery. It is open vice and bad way" ( 17:32 )</p>  |
| <p>15: Do not steal.</p>   | <p>"As to the thief (man or woman) let their hands be cut off, a retaliation for what they did, a punishment from Allah. ( 5:38 )</p>   |
| <p>16:" Do not testify falsely against your neighbor.</p>  | <p>"And They (Servants of God) do not testify falsely." (25:72)</p>   |
| <p>17: "Do not covet your neighbor's house. Do not covet your neighbor's wife. Male or female servant, ox or donkey, or anything else your neighbor owns."</p> | <p>"And do not covet what Allah has favored some of you over others.( 4:32 )</p> <p>"And do not stretch your eyes towards what We have provided some of them." (15:88)</p>  |

## Many thanks to Charlie Plumb of McAfee & Taft for providing these articles:



Charles S. Plumb and Sam R. Fulkerson, Editors  
McAfee & Taft

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### **WORKPLACE ISSUES**

#### **Talking about religion and politics: What's acceptable in the workplace?**

*An old maxim says "never talk about religion or politics," but how realistic (or even desirable) is that advice? And as the worlds of religion and politics collide, talk of one often crosses the line into speech about the other. While employers don't want to trample on anyone's right of free speech, they also can't allow discrimination, harassment, or retaliation against employees based on their religious beliefs.*

##### **Muslim backlash?**

Recent news accounts about the controversy over a proposal to build an Islamic mosque and cultural center near Ground Zero of the September 11, 2001, attacks have stirred questions about whether Muslims are facing increased harassment in the workplace. Passions run deep about the appropriateness of the center, just as feelings are strong about the nation's promise of religious freedom. A poll from the Pew Research Center for the People and the Press released in August shows that favorable opinions of Islam have declined since 2005. The poll found that 30 percent of the 1,003 adults polled in August (during the height of the mosque controversy) said they have a favorable opinion of Islam, while 38 percent reported having an unfavorable opinion. Thirty-two percent of those polled offered no opinion. In 2005, 41 percent of poll respondents expressed a favorable opinion of Islam, and 36 percent reported an unfavorable opinion.

The August Pew poll concluded that 51 percent of Americans agree with those who object to the building of the center near the former site of the World Trade Center, while 34 percent think the center and mosque should be allowed to be built. It's no surprise that the subject sparks plenty of fervent talk around the water cooler. And the talk goes beyond the New York City mosque.

Controversy has been high about the construction of a mosque in Tennessee, a Florida pastor grabbed headlines with his threat to burn the Islamic holy book on September 11, and lawsuits have been filed over alleged harassment of Muslims in the workplace.

Among the recent complaints, the Equal Employment Opportunity Commission (EEOC) in August filed two lawsuits against meatpacker JBS Swift & Co. The suits claim the company discriminated against Somali and Muslim employees at facilities in Colorado and Nebraska. The EEOC accuses Swift of creating a hostile work environment based on the employees' race, national origin, and religion. The complaints claim that supervisors and coworkers threw blood, meat, and bones at the employees and called them offensive names.

##### **Legal obligations**

So what's an employer to do if employees vent strong feelings in possibly unlawful ways? What responsibility do you have for employees who might harass other employees based on religion? What legal dangers do you face?

In some ways, those questions are easily answered by looking to federal law. Title VII of the Civil Rights Act of 1964 makes discrimination and harassment based on religion unlawful, meaning you have a responsibility to stop harassment and discrimination when they happen and prevent them when possible. States also have prohibitions against religious discrimination.

Other answers, however, aren't so easy. Not all actions that some consider offensive are unlawful, and you aren't charged with forcing employees to be polite. But you are wise to be on guard.

##### **Tips**

The EEOC provides information for employers on stopping religious harassment ([www.eeoc.gov/policy/docs/best\\_practices\\_religion.html](http://www.eeoc.gov/policy/docs/best_practices_religion.html)). Here are some tips:

- Have a well-publicized and consistently applied antiharassment policy. Make clear how employees should file complaints, and investigate complaints thoroughly.
- If you find that harassment has occurred, take steps to end the conduct, even if you don't think the complaint rises to the level of unlawful harassment. Conduct that may not be unlawful can become severe or pervasive if it's allowed to continue.  
the supervisor should demand that the contractor stop the harassment and take disciplinary action if it continues.

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Charles S. Plumb and Sam R. Fulkerson, Editors  
McAfee & Taft

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## **RELIGIOUS ACCOMMODATION**

### **Finding holiday harmony with a diverse workforce**

*Religious practices and diversity are increasing in the United States, and that trend is presenting new challenges for employers. One common form of religious expression that affects the workplace involves employees' requests for accommodations to observe their religious holidays.*

#### ***Title VII prohibits religious discrimination***

Title VII of the Civil Rights Act of 1964 protects employees from religious discrimination. It's an unlawful employment practice under Title VII "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 [his] . . . religion."

Title VII broadly defines "religion" to include all aspects of religious observance and practice as well as belief. You must accommodate a current or prospective employee's religious observance or practice unless doing so would cause your business an undue hardship.

#### ***Religious accommodations***

During the holiday season, requests for religious accommodations may increase — you may face multiple requests for accommodations for the same time. Here's an example: A Buddhist employee requests time off on December 8 to observe Bodhi Day, and you grant the request. Later, a Catholic employee requests time off on December 8 to observe the Feast of the Immaculate Conception. Accommodating both employees will cause an undue hardship. What do you do?

#### ***Religious displays at work***

We have always been told that **religion** is one of those topics that shouldn't be discussed in "polite company." During the holiday season, however, it can implicitly become a hot topic around the office, especially if your company is deciding whether to decorate the workplace or employees are thinking about decking out their individual workspaces.

You may allow religious symbolism in your workplace if you take care not to favor one **religion** over another or discriminate against someone on the basis of his **religion**. And you don't have to remove religious holiday decorations if an employee complains about them so long as you remain evenhanded in your approach to recognizing all **religions**. But don't inadvertently create an environment in which an employee feels uncomfortable or discriminated against.

You also may institute a policy of prohibiting all holiday decorations, regardless of **religion**, if you consistently enforce it. If your company is concerned about religious symbolism during the holidays, you may want to limit decorations to generic or secular ornaments like gingerbread houses, snowflakes, snowmen, and candy canes.

#### ***Bottom line***

The holidays should be a time of joy and celebration, not offensive mistakes that can turn into litigation. You can do a lot to avoid tensions caused by clashing **religions** and world views by focusing holiday celebrations around activities that unite employees. Be as sensitive and accommodating as possible when it comes to employees' requests for time to celebrate their chosen holidays.

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First, remember that any request for accommodation for a religious practice must be based on a sincerely held religious belief — you may need to consider whether attending the religious observance is required by the religious tenets or beliefs. In other words, does the Buddhist faith require followers to observe Bodhi Day by attending religious services? If so, can the employee attend a service that doesn't conflict with the workday? Likewise, consider whether the Catholic faith requires followers to observe holy days by attending Mass. If so, can the employee attend Mass outside work hours or at a time that doesn't conflict with the Buddhist service?

You're permitted to request that an employee verify the validity of the religious activity by bringing back a church bulletin or other evidence of participation. Remember, however, if you request such verification, you must request it from all employees making similar requests.

You generally must reasonably accommodate an employee's request for time off for a religious observance unless it would cause an undue hardship for your company. What amounts to a "reasonable accommodation" and an "undue hardship" must be assessed case by case. You may be able to offer reasonable accommodations by:

- providing flexible scheduling;
- allowing voluntary substitution of assignments;
- offering unpaid leave to observe a religious holiday (unless you offer paid leave for all other time off, in which case you must give paid leave);
- offering staggered work hours; or
- allowing employees to make up hours by working longer shifts.

An undue hardship occurs when an accommodation would impose more than a small cost or cause more than a minor disruption to your operations. Here are some questions to help determine whether an accommodation will present an undue hardship:

- What will it cost? You don't have to go to great expense, and religious accommodation requirements are less extensive than those for disabled employees.
- What will it mean to your business? If the accommodation will disrupt the business, it's more likely to pose an undue hardship.
- Will it violate a collective bargaining agreement or breach a contract? If so, no accommodation is required.
- Will it infringe on others' religious rights? A "yes" answer indicates undue hardship.
- Will it cause safety problems? Again, a "yes" indicates undue hardship.

If you choose not to accommodate an employee, make sure you have documentation to support your decision.



# NEW JERSEY EMPLOYMENT LAW LETTER

*Part of your New Jersey Employment Law Service*

Edward P. Lynch, Gregory C. Parlman, Patrick J. McCarthy, Theresa A. Kelly, and Mary B. Rogers, Editors  
Pitney Hardin LLP

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## EEOC GUIDANCE

### What are 'religious beliefs,' and how far must you go to accommodate them?

*Title VII of the Civil Rights Act of 1964 prohibits discrimination in the workplace based on religion and even requires you to accommodate religious practices in some circumstances. The Equal Employment Opportunity Commission (EEOC), which enforces Title VII, recently issued guidance to help you deal with religious issues in the workplace. The relevant portions of the guidance, including the definition of religion and the scope of your reasonable accommodation obligations, are summarized below.*

#### **What is religion?**

"Religion" includes organized religions (like Christianity or Buddhism) as well as sincerely held religious beliefs that aren't associated with a formal organization or group. According to the EEOC, that means a "religion" can include the individual beliefs and practices of one person. The guidance defines religion as "ultimate ideas about life, purpose, and death."

Religious practices can include praying, dressing in a particular manner, or attending religious services, among other things. An employee who engages in certain behavior for political or secular reasons rather than because of his religious beliefs isn't protected under Title VII.

You shouldn't question an employee's religious beliefs unless you have a bona fide doubt about his sincerity. The EEOC's guidance identifies the following factors that may lead to a bona fide doubt:

- Has the employee acted in a manner inconsistent with his religious

belief?

- Is the accommodation one that the employee likely seeks for secular reasons?
- Is the timing of the employee's request suspicious?
- Does the employer have other reasons to doubt that the employee's request isn't based on religious beliefs?

Even if you question an employee's "religious belief," the guidance makes clear that it may still be religious and therefore may require accommodation. For example, an employee might not have been religious at one time but could have recently adopted religious practices.

#### **What must you do to accommodate religious beliefs?**

You must accommodate an employee's religious beliefs unless the accommodation will cause an undue hardship. In other words, you may reject the accommodation if it would pose "a more than *de minimis* [minimal] cost or burden." Factors relevant in determining undue hardship include:

- the type of workplace;
- the nature of the employee's duties;
- the number of employees who will in fact need a particular accommodation; and
- the identifiable cost of the accommodation in relation to the employer's size and operating costs.

Costs to be considered include not only direct monetary costs but also the burden on conducting business. For example, courts have found undue hardship when the accommodation diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, or causes coworkers to carry the accommodated employee's share of potentially hazardous or burdensome work.

#### **What happens when someone asks for accommodation?**

When an employee requests a religious accommodation, you should engage in what's known as the "interactive process." Specifically, you must talk to him about the requested accommodation and discuss alternatives if it would cause an undue burden.

For example, an employee might request a change in his shift to attend religious services. You may request information about the length of the services and the time they are held to determine if accommodating his request would cause an undue hardship. If you deny an accommodation based on hardship, you must be able to show how much the accommodation would cost or how much it would interfere with your business. Remember, you can only rely on *actual*, not *potential*, hardship.

#### **What are some common accommodations?**

The guidance gives the following examples of accommodations:

- changing the employee's schedule so he can attend religious services;
- modifying the employee's assignment if it conflicts with his religious belief (for example, allowing a Catholic nurse not to be involved in an abortion);
- providing an exception to dress codes or grooming policies if the employee's religious belief requires facial hair or wearing religious garb; or
- providing a quiet space in the work area for religious observance.

#### **Bottom line**

Workplace issues involving religion can arise in several ways. You must be aware of potential issues and how to address them when they occur. Unless you have a bona fide doubt, you should assume that an employee's beliefs are protected "religion" and engage in the interactive process if he requests some form of accommodation. When denying an accommodation request, you must be able to objectively demonstrate the hardship it would cause and explore alternatives. Employers that follow these suggestions will be better able to defend their actions.

You may access the EEOC's comprehensive guidance at [www.eeoc.gov/policy/docs/qanda\\_religion.html](http://www.eeoc.gov/policy/docs/qanda_religion.html).

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James M. Sconzo, Michael G. Petrie, Jonathan C. Sterling Editors  
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## **RELIGIOUS DISCRIMINATION**

### **Proselytizing in the workplace**

*Religion and politics are two subjects that can provoke deep emotion. It's no surprise then that religious or political debates can create uncomfortable working conditions if one or two employees persist in discussing the topic when the conversation ends. It's also important to note, however, that there's nothing wrong with employees discussing religion or politics as they would any other topic. Employees may trade viewpoints and even claim their side is more correct — that type of speech is considered natural.*

*But what happens when employees' religious discussion escalates to another level and begins to create a hostile work environment? Or what if someone's job duties are affected by religious discussions in the office? And what about an employee's duty to his faith? Some religions and denominations require followers to seek out others as part of a larger responsibility. As a result, some employees insist they must preach "the Word" to help those around them.*

*So what does happen when an employee proselytizes in the workplace? The answer depends on whether you work in the public or private sector. Employees who work for a police or fire department, public health department, city hall, board of education, or the federal government have different rights than restaurant, office, manufacturing, and construction workers. Read on to find out what you can do if proselytizing disrupts your workplace.*

#### **Public sector**

All public employers are subject to the U.S. Constitution (the First, Fifth, and Fourteenth amendments may apply depending on the employee's level

or which government entity he works for, but that discussion is for another day). Federal and state employers cannot regulate their employees' personal religious expressions or private speech, including religious speech. However, if a public employer's interest in regulating the speech of an employee with a significant amount of public contact outweighs her First Amendment free speech interests, the employer may regulate the employee's speech. An example may provide clarity.

A nurse consultant sued the Connecticut Department of Public Health (CDPH), arguing she had the right to discuss her religious beliefs with clients while performing her duties. The nurse described herself as a born-again Christian who felt called to proselytize in the workplace, but the CDPH reprimanded her for her actions. She claimed the department violated her rights to free speech and the free exercise of her religion under the First Amendment. She also claimed the state discriminated against her in violation of Title VII.

The court ruled in favor of the CDPH. A major factor in cases involving public-sector employers that doesn't apply to private employers is the state's role as employer and sovereign. As such, the state or a public entity must refrain from appearing to a reasonable observer to endorse a particular religion — that is, it must not violate the Establishment Clause. That provision of the Constitution prohibits a government entity from endorsing any particular religion (*i.e.*, separation of church and state).

It's important to note that public employees don't surrender their First Amendment free speech rights by working for state government. The state's role as sovereign constrains its ability to regulate speech, while its role as an employer provides it with more leeway to control employee speech that undermines its ability to perform its legitimate functions.

In balancing the interests of the state employer in providing effective and efficient public services against an employee's First Amendment right to free speech, the court must consider whether the employee's proselytizing impairs harmony among coworkers, has a detrimental impact on close working relationships, or impedes her performance or duties. The more the employee's job requires confidentiality, policymaking, or public contact, the greater the state's interest in firing her for religious expression that offends it.

The court will also consider the manner, time, and place of the speech. If the employee's proselytizing interferes with and disrupts the workplace, the state is justified in taking adverse action against her to mitigate those negative effects.

#### **Private sector**

Private employers are subject to Title VII. That means you must permit employees to engage in religious expression unless it imposes an undue hardship on your company. Undue hardship depends on whether the religious expression diminishes efficiency in other jobs, infringes on

coworkers' rights, or impairs workplace safety.

Employees at private companies are permitted to engage in religious discussions and may even attempt to persuade coworkers of the correctness of their religious views to the same extent they engage in comparable speech. But proselytizing is a tricky proposition. If the proselytizing isn't pronounced or widespread, you may be forced to accept it as a reasonable accommodation for a religious belief.

For example, an employer attempted to prevent an employee from greeting customers by saying, "Praise the Lord" or "God bless you." Although that greeting seems relatively harmless, the employer received about 25 complaints from various customers. The employee sued the company for religious discrimination and prevailed. The court stated that despite the customer complaints, the employee's greeting didn't affect the employer's profitability, so the situation didn't create an undue hardship on the company.

On the other hand, if an employee's religious expression is persistent and blatant, you can prohibit proselytizing at work. One employee felt compelled to share his beliefs with his coworkers in order to "save" them. As a result, he sent frequent unsolicited and unauthorized e-mails at work. After several employees complained, the employer asked him not to solicit other workers. He continued to send e-mails filled with quotations from Scripture; he also handed out religious pamphlets.

When asked to refrain from his actions, the employee responded that he would rather take the risk of preaching the Gospel than not doing it. After he was terminated, he sued his former employer for religious discrimination. The court stated that typical religious freedom and accommodations are different for employees who "personally and directly" impose their views on fellow employees and invade their privacy.

#### ***Bottom line***

Religious proselytizing in the workplace can create awkward situations between coworkers. However, it's important to remember that religious discussion is permitted. There's nothing wrong with allowing an employee to express his views on **religion** from time to time, like any other topic.

Just be aware that you may regulate religious expression when it affects workplace efficiency, infringes on other employees' rights, and impairs workplace safety. And public employers must be wary of violating the Establishment Clause.

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## **Programs Focused on Integrity - (Not affiliated with OK Ethics)**

For nearly nine years, we have been inspired by our friendship with Character First. Leaders with this organization provided the wisdom and insight for OK Ethic's Guiding Principles. Go to [www.characterfirst.com](http://www.characterfirst.com) to learn more about tools to help you integrate character and ethics into your organizational culture, or contact John Burnett or Steven Menzel at [405-815-0001](tel:405-815-0001)

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[www.characterfirst.com/events](http://www.characterfirst.com/events)



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### **Character Council of Central Oklahoma**



January 24 – Kelli Dyer Frye: Boldness

February 28 – Sheriff John Whetsel

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