

The Faithful Carrier: Restoring Religious Liberty in the Workplace

Lead Counsel for Gerald Groff:

Aaron Streett, Baker Botts, LLP

Other Counsel for Gerald Groff:

Kelly Shackelford, First Liberty Institute
Jeffrey Mateer, First Liberty Institute
Hiram Sasser, First Liberty Institute
David Hacker, First Liberty Institute
Stephanie Taub, First Liberty Institute

J. Mark Little, Baker Botts, LLP
Christopher Tutunjian, Baker Botts, LLP
Alan Reinach, Church State Council
Jonathan Cherne, Church State Council
Randall Wenger, Independence Law Center
Jeremy Samek, Independence Law Center

Facts:

Gerald began working for the USPS in 2012 because he could honor the Lord’s Day while enjoying a good and rewarding career. As a substitute (part-time) mail carrier in his family’s native Lancaster County, Pennsylvania – an area steeped in religious tradition – Gerald delivered mail to any route that was requested, worked any shift that was offered, including many Saturdays and holidays, to reach his goal of becoming a full-time mail carrier. Some days he delivered mail to as many as 700 homes in his rugged, rural community.

When the Post Office contracted with Amazon to deliver packages seven days a week, it gave no choice to its employees. Gerald did all he could to accommodate the Post Office, including covering extra duties and routes so his co-workers could have easier Saturdays and holidays off. All he asked in return was that the Post Office accommodate his deeply held belief that he should honor the Lord’s Day. He delivered to some of the most difficult routes in even the worst weather – usually using his personal vehicle – often including extra work on Saturdays and every holiday, to show his willingness to accommodate both the Post Office and his co-workers. At first, Gerald’s supervisor accommodated his commitment to honor the Lord’s Day.

When that accommodation ended suddenly, Gerald chose to transfer to a new post office that didn't require Amazon delivery at that point, which meant sacrificing all his seniority on his path to becoming a full-time carrier. But then that new post office also began to require Sunday delivery. For missing Sundays to honor the Lord’s Day, the USPS then subjected Gerald to eight separate pre-disciplinary reviews, each one requiring him to drive out of his way to the hub post office, adding extra driving time to his day while he was still required to fulfill his obligation to deliver his assigned route. He received a “Letter of Warning,” and two separate Suspensions (totaling 21 days) over the course of two years, all while working daily under the looming threat of losing his job each time that he went to work.

During that time, Gerald was also subjected to harsh & unfair treatment, mocked by his supervisor and docked pay without justification. After two years of progressive discipline, hostility from supervisors, and not knowing if any day was the day he would be terminated, Gerald resigned on January 18, 2019.

Why does this case matter?

- The Supreme Court could restore Title VII’s workplace protections for religious employees to what Congress intended before the Court essentially wrote them out of the statute.
- The way the courts have interpreted Title VII has put those who don’t share a more common religious tradition at a disadvantage. Making sure everyone is treated fairly promotes our nation’s historic commitment to religious diversity.
- Restoring Title VII’s focus on the harm to the business motivates everyone from the boardroom to the mail room to find a solution that works for the business as a whole.
- An America that values religious pluralism should not put religious adherents to the cruel choice of surrendering their religion or their job.

To learn more about Gerald Groff’s case, read legal documents, and access photos/video, please see FaithFulCarrier.com. For media inquiries contact First Liberty Institute at 972-941-4444 or media@firstliberty.org