SENATE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU, IN CONSULTATION WITH THE ATTORNEY GENERAL, TO PROVIDE A REPORT TO THE LEGISLATURE ON EMPLOYMENT DISCRIMINATION PROTECTIONS FOR EMPLOYEES AT SECTARIAN SCHOOLS AND OTHER RELIGIOUS INSTITUTIONS.

WHEREAS, Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion; and

WHEREAS, in January 2020, Maryknoll School, a private coeducational Catholic school in Honolulu, Hawaii, dismissed its middle school director from employment because she was pregnant and unmarried; and

WHEREAS, before her dismissal, the middle school director led a distinguished career as an educator at Maryknoll School for sixteen years; and

WHEREAS, at the time of her dismissal, the director's employment responsibilities were secular in nature, rather than sectarian, raising questions about whether her dismissal may violate protections against gender discrimination in the workplace; and

WHEREAS, according to the American Civil Liberties Union, impairing the employment of an individual based on pregnancy status may constitute sex-based discrimination because only women can become pregnant; and

WHEREAS, article I, section 5 of the Hawaii State Constitution proclaims that no person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the
exercise thereof because of race, religion, sex, or ancestry; and

WHEREAS, protecting employees from discrimination is essential to ensure that all citizens have equal opportunity to pursue meaningful work and financial security; now, therefore,

BE IT RESOLVED by the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, that the Legislative Reference Bureau, in consultation with the Attorney General, is requested to submit a report to the Legislature on employment discrimination protections for employees at sectarian schools and other religious institutions; and

BE IT FURTHER RESOLVED that the report is requested to include:

(1) Information about federal and state laws governing the extent to which sectarian schools and other religious institutions are exempt from discrimination protections afforded to nonsectarian institutions, including protections for faculty whose employment responsibilities do not include religious duties and responsibilities; and

(2) Recommendations for expanding discrimination protections for employees working at sectarian schools and other religious institutions; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2021; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of the Legislative Reference Bureau and Attorney General.

OFFERED BY:

[Signature]

Kurt Furella