



Happy October and Welcome Back SCOTUS

October 7, 2011

Not only does this week mark the first quarter for many companies' 2012 fiscal year, it is also the start of the Supreme Court's new term. Although none of the cases certified are too exciting from an employer's point of view, SCOTUS is going to hear a few cases with a labor and employment flavor. Below are some of the upcoming cases, each case's questions presented, and links to coverage of the case by the Supreme Court Website and SCOTUSBlog.com, which happens to be a valuable resource for all Supreme Court matters.

Hosanna-Tabor Church v. EEOC. No. 10-553.

Coverage: [Supreme Court Website](#); [SCOTUS Blog](#).

Issue:

Whether the ministerial exception, which prohibits most employment-related lawsuits against religious organizations by employees performing religious functions, applies to a teacher at a religious elementary school who teaches the full secular curriculum, but also teaches daily religion classes, is a commissioned minister, and regularly leads students in prayer and worship.

Coleman v. Maryland Court of Appeals. No. 10-1016.

Coverage: [Supreme Court Website](#); [SCOTUS Blog](#).

Issue:

Whether Congress constitutionally abrogated states Eleventh Amendment immunity when it passed the self-care leave provision of the Family and Medical Leave Act.

Knox v. SEIU. No. 10-1121.

Coverage: [Supreme Court Website](#); [SCOTUS Blog](#).

Issues:

- (1) May a state, consistent with the First and Fourteenth Amendments, condition employment on the payment of a special union assessment intended solely for political and ideological expenditures without first providing a notice that includes information about that assessment and provides an opportunity to object to its exaction?*
- (2) May a state, consistent with the First and Fourteenth Amendments, condition continued public employment on the payment of union agency fees for purposes of financing political expenditures for ballot measures?*

Unfortunately, or maybe fortunately for a majority of employers, the Supreme Court has not certified any cases addressing Title VII, ADA, ADEA, or any of the other major employment law statutes. But then again, after last sessions' *Wal-Mart Stores v. Dukes*, *Borough of Duryea v. Guarnieri*, *Staub v. Proctor Hospital*, *Kasten v. Saint-Gobain Performance Plastics Corp.*, and *Thompson v. N. Am. Stainless LP*, U.S. decisions, it is not that surprising to see SCOTUS concentrate on another area of law this session.