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*“Of all the dispositions and habits which lead to political prosperity religion and morality are indispensable supports.”*  
**Benjamin Rush**

**AACS Joins Amicus Brief to Defend Religious Liberty in Moody Bible Institute Case**

The AACS has joined five other faith-based educational organizations in an amicus brief, submitted for the case [Garrick v. Moody Bible Institute](#). The [case](#) began in 2017 when Moody Bible Institute declined to renew professor Janay Garrick’s contract after Garrick publicly opposed the school’s beliefs about biblical complementarianism and refused to sign the institute’s doctrinal agreement statement. Garrick sued the college, [alleging](#) that it discriminated against her because of her sex and her views on gender roles, specifically regarding pastoral ministry. The district court initially dismissed the case because the dispute was over internal church doctrine. However, it allowed a second lawsuit containing essentially the same content without the overtly religious language to continue. Moody filed a motion to dismiss, which was denied by the district court. Moody then asked the 7th Circuit Court of Appeals to dismiss the case under the church autonomy doctrine, which holds that the First Amendment bars the government from interfering in questions of religious doctrine. However, a three-judge panel at the 7th Circuit also denied the appeal to dismiss the case. Judge Amy St. Eve authored the majority opinion, [stating](#), “No court has ever held that the First Amendment doctrine of church autonomy establishes a constitutional right to immunity from trial in cases where non-ministerial employees allege non-religious discrimination.” In a [dissenting opinion](#), Judge Michael Brennan wrote that “courts cannot adjudicate employment claims involving decisions that turn on matters of faith, doctrine, and internal governance.” He further wrote, “We should see this case for what it is—Garrick and Moody profess different views of Christianity and how that faith should be taught.” Moody has since petitioned the 7th Circuit for a rehearing en banc, where the entire 7th Circuit would reconsider the case.

The AACS’s friend of the court brief supports that petition for two main reasons. First, the three-judge panel erroneously overruled precedent set by three other 7th Circuit panels that supported the right of religious institutions to have cases dismissed that pertain to church autonomy and doctrinal issues. In other words, Moody’s First Amendment rights will be violated if it is forced to go on trial for its doctrinal beliefs. As the brief states, “A key function of the Religion Clauses is safeguarding ministries ‘from the burden of defending themselves’ in secular courts.” Second, the panel “got legal issues of exceptional importance gravely wrong.” For instance, the panel excessively limited religious autonomy to the point it was “practically nonexistent.” The brief also points out that the panel erroneously asserted that this case involves primarily non-religious discrimination. The brief states, “Garrick admitted in a sworn declaration that she and Moody parted ways because their theology differed. She can’t evade Moody’s First Amendment rights by ignoring theological disputes and applying a sex-discrimination label.” The AACS will continue to monitor the case and provide updates on its status.

## Department of Labor Finalizes Overtime Rule

The Department of Labor (DOL) has finalized its [overtime rule](#), requiring that salaried employees in executive, administrative, or professional (EAP) positions either be paid a minimum of \$58,656 per year or receive overtime pay. The minimum salary for certain highly compensated employees will be \$151,164. Employers have two deadlines to raise the pay of affected employees. Starting July 1, employers will have to raise the salary of these employees to \$43,888 and \$132,964, respectively. On January 1, 2025, the Department will require all employers to pay these employees the full salary. These minimum salary levels will be automatically updated every three years. Although the rule does not apply to faculty, it could apply to positions such as student-aid workers or janitorial staff. However, clergy, religious activities and education directors, and “all other” [religious workers](#) are excluded from the minimum salary requirement. In public comments, the AACS had asked the DOL to clarify that the phrase “all other” religious workers includes staff of religious schools because of the essential faith-based work they do for their ministries. However, the DOL failed to address the AACS’s comments or clarify the definition of religious workers. In a separate section, it denied the request of nonprofit organizations and charities to receive an exemption from the salary level test. It is unclear if the DOL considers staff members in EAP positions at religious schools to be religious workers or nonprofit workers. The DOL has already faced significant [blowback](#) from colleges and organizations across the country, and a [bill](#) has been introduced to stop the DOL from implementing the rule. The Department will likely [be sued](#) over the rule.

## Seventeen States Sue EEOC over New Abortion Rule

Tennessee and Arkansas are leading a group of states to sue the Equal Employment Opportunity Commission over its final rule regarding the Pregnant Workers Fairness Act of 2022 (PWFA), a law intended to help pregnant women receive reasonable workplace accommodations. However, as the AACS has [reported](#), the Commission added abortion to the definition of “pregnancy, childbirth, or related medical conditions.” As a result, employers with 15 or more employees must now accommodate an employee’s request for an abortion, such as providing time off. Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, and West Virginia joined Tennessee and Arkansas in suing the Commission. The attorneys general pointed to statements from members of Congress, such as Sen. Bill Cassidy (LA), the bill’s Republican Senate co-sponsor, who confirmed the Commission could not add abortion to the rule. They also argued that the unelected members of the Commission lacked the authority to rewrite the law. The states have requested the court temporarily prevent the Commission from enforcing the rule’s abortion-accommodation mandate while the lawsuit progresses. They have also requested the Court permanently enjoin the rule’s abortion-accommodation mandate. “Congress passed the bipartisan Pregnant Workers Fairness Act to protect mothers-to-be and promote healthy pregnancies, and the EEOC’s attempt to rewrite that law into an abortion mandate is illegal,” [said](#) Tennessee Attorney General Jonathan Skrmetti. “I’m proud to lead the coalition fighting to protect the rule of law against this unconstitutional federal overreach.”

## In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACS Investment Team at Merrill Lynch](#)

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Promise to America’s Children](#)

[NEW! AACS Today Podcast: Making History with Oklahoma Speaker-Designate Rep. Kyle Hilbert](#)

[Hostility Against Churches on the Rise](#)

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