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SCHOOLS - NEW YORK

Board of Educ. of Mineola Union Free School Dist. v. Mineola Teachers Ass'n

Supreme Court, Appellate Division, Second Department, New York - March 27, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 02070

Appeals court finds that policy granting paid days off for observance of religious holidays violates Establishment Clause.

Collective bargaining agreement between school district and teachers association provided that members of the association could receive up to five religious holidays as paid days off.

In October 2010, the school district advised the association that it would no longer abide by the religious holidays provision because it was unconstitutional. The association filed a grievance, which was denied, and then sought to invoke its contractual right to arbitration. The school district then commenced a proceeding pursuant to permanently stay the arbitration, and the association moved to compel arbitration.

The appeals court stated that, "There is no firmer or more settled principle of Establishment Clause jurisprudence than that prohibiting the use of the State's power to force one to profess a religious belief." Here, the clear wording of the religious holidays provision rewarded members of the association who claimed to be religiously observant with more paid days off than those afforded to agnostics, atheists, and members who were less observant. As a result, the religious holidays provision violated the Establishment Clause.