

## **EEOC Sues Rotten Ralph's Restaurant for Religious Discrimination**

Article By:

U.S. Equal Employment Opportunity Commission

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Rotten Ralph's, a popular Philadelphia restaurant, violated federal law when it refused to allow a server to wear a religious headscarf as a reasonable accommodation of her religious beliefs and instead fired her because of her religion, Muslim, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

According to the EEOC's lawsuit, when Tia Rollins applied for a server position at Rotten Ralph's, she told the general manager that she did not wear revealing clothing and that she covered her hair because of her religion. Rollins' religious beliefs require her to wear a khimar, a head scarf, especially during the Muslim holy month of Ramadan. After Rotten Ralph's hired Rollins, she wore her khimar to work without incident until the first time the general manager saw her wearing the khimar.

The EEOC charges that the general manager expressed outrage that Rollins was wearing the khimar. Rollins informed him she wore the khimar for religious reasons and needed to wear it while working. The general manager said that employees could not wear "hoodies" and refused to reasonably accommodate Rollins' religious beliefs. Instead, Rotten Ralph's terminated Rollins because of her religion in violation of federal law, the EEOC charges in the suit.

In *EEOC v. Abercrombie and Fitch*, the U.S. Supreme Court recently held that that an employer may not refuse to hire an applicant if the employer was motivated by avoiding the need to accommodate a religious practice. Such behavior violates the prohibition on religious discrimination contained in Title VII of the Civil Rights Act of 1964. According to the Supreme Court, "an employer who acts with the motive of avoiding accommodation may violate Title VII even if he has no more than an unsubstantiated suspicion that accommodation would be needed." The court continued that "... to accommodate a religious practice is straightforward: An employer may not make an applicant's religious practice, confirmed or otherwise, a factor in employment decisions."

The EEOC filed suit (*EEOC v. Half Shell Inn, Inc. d/b/a Rotten Ralph's Restaurant*, Civil Action No. 2:15-cv-03760) in U.S. District Court for the Eastern District of Pennsylvania after first attempting to reach a pre-litigation settlement through its conciliation process.

"The Supreme Court made it abundantly clear that Title VII requires employers to modify dress codes as a reasonable accommodation to an applicant or employee's religious beliefs unless the employer

can show such an accommodation would be an undue hardship," said EEOC Philadelphia District Director Spencer H. Lewis, Jr.

EEOC Regional Attorney Debra M. Lawrence added, "No employee should have to violate her sincerely held religious beliefs in order to earn a living. This case should remind all employers to review their policies to ensure that employees and applicants will be given a needed reasonable accommodation and that no one will be penalized for exercising their civil rights."

The EEOC Philadelphia District Office has jurisdiction over Pennsylvania, Maryland, Delaware, West Virginia and parts of New Jersey and Ohio. The legal staff of the EEOC Philadelphia District Office also prosecutes discrimination cases arising from Washington, D.C. and parts of Virginia.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the agency is available at its website, [www.eeoc.gov](http://www.eeoc.gov)

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