



Dress and Grooming Standards for California Public Employers...It's a Bit More Complicated than You Might Expect

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The U.S Supreme Court recently held that an employer could not lawfully reject a job applicant because her religious headscarf conflicts with the company dress code. In *EEOC v. Abercrombie & Fitch*, Abercrombie refused to hire an applicant to one of its stores because a hiring manager believed the applicant's Islamic headscarf would conflict with Abercrombie's distinct appearance standards. The Supreme Court ruled in favor of the EEOC, on behalf of the applicant, finding that an employer can be liable for discrimination based on religion under Title VII, when an applicant can show that a presumed need for religious accommodation to a facially-neutral appearance code was a motivating factor in the employer's decision not to hire. With this decision, employers are once again examining the complicated questions of employee dress codes, appearance standards, and what has to be accommodated.

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