

MEMBERS ONLY OPERATING GUIDE

Faith Based Hiring Guide

A defensible process for hiring in alignment with Christian mission

HIRING AND ONBOARDING SERIES

CHRISTIAN EMPLOYERS ALLIANCE

Revised September 2026

How to use this guide

This guide helps a religious employer build a hiring process that reflects its sincere Christian mission and creates a clear, contemporaneous record of each decision. The safest process begins before a position is posted: confirm the organization's legal status, approve the faith standard, classify the role, train interviewers, and decide what records will be kept.

THE GOVERNING RULE

Do not use faith language as a substitute for lawful, job-related decision making. Use a religious criterion only when counsel has confirmed that it is legally available to your organization and the criterion is sincere, defined, consistently administered, and supported by your governing documents.

This guide is designed for

- Leaders approving a new position or opening a requisition
- Human resources professionals administering applications and interviews
- Hiring managers evaluating candidates
- Counsel reviewing religious-employer status, state law, and higher-risk roles

Important scope limits

THIS GUIDE ADDRESSES	THIS GUIDE DOES NOT DECIDE
• Federal religious-employer hiring principles under Title VII • Operational consistency from job description through onboarding • Documentation, interview controls, and escalation points	• Whether your organization legally qualifies as a religious organization • Whether state or local law provides a different rule • Whether a role is ministerial or another defense applies

Legal review required

This edition materially revises and expands the prior guide. CEA legal counsel should approve the final language, forms, and state-specific instructions before publication or use. This guide is educational and does not create an attorney-client relationship.

The legal framework in plain language

Title VII generally prohibits covered employers from discriminating because of religion and other protected characteristics. A statutory exemption allows a qualifying religious corporation, association, educational institution, or society to employ individuals of a particular religion to carry on its activities. Religious educational institutions also have a related statutory provision. These rules permit qualifying religious organizations to make certain religion-based employment decisions; they do not create a general exemption from laws prohibiting discrimination based on race, color, sex, national origin, age, disability, or other protected status.

Four distinct questions

Question	What it means	Who decides
Is Title VII applicable?	Federal coverage generally begins at 15 employees, but other federal, state, or local laws may apply at different thresholds.	Counsel and HR
Is the employer religious?	Courts examine the organization's purpose, ownership, governance, activities, public presentation, nonprofit status, and other facts. No single label is conclusive.	Counsel
Is the criterion religious?	The standard must concern religion and be rooted in the organization's sincere beliefs and mission.	Leadership with counsel
Is the role ministerial?	The constitutional ministerial exception is separate and turns on the employee's functions, not title alone.	Counsel

The exemption is not automatic

Calling a company “Christian,” adopting a statement of faith, or joining CEA does not by itself establish religious-organization status. Courts use fact-specific tests, and different jurisdictions may weigh the facts differently. Confirm status before collecting religious information from applicants or making religion-based decisions.

STATE AND LOCAL LAW CAN CHANGE THE ANSWER

Some jurisdictions define religious-employer exemptions more narrowly, cover smaller employers, protect additional classifications, or impose special notice and recordkeeping rules. Multi-state employers should review every location in which an applicant would work, including remote-work locations.

Federal contracts and funding

Government contracts, grants, licensing arrangements, accreditation rules, and program-specific statutes can add obligations. Do not assume a Title VII exemption resolves those separate requirements.

Step 1 Confirm the organization's foundation

Before opening a position, counsel should review the organization as it actually operates, not only what its documents say. The record should show that faith is integral to identity, governance, and work.

Foundation review checklist

- ☐ Articles, bylaws, or other governing documents state a religious purpose.
- ☐ The statement of faith is current, formally adopted, and tied to organizational conduct and mission.
- ☐ Board or ownership structure and governance practices support the religious identity.
- ☐ The organization communicates its religious identity consistently to employees, applicants, customers, donors, and the public.
- ☐ Policies, programs, services, and daily practices reflect the stated beliefs.
- ☐ Employment policies explain any faith expectations and how they are administered.
- ☐ Counsel has reviewed nonprofit or for-profit status, affiliations, funding, contracts, and the law in relevant jurisdictions.
- ☐ Leadership has documented who may approve a faith requirement and who may answer applicant questions.

Do not manufacture evidence for a vacancy

A statement adopted only after a dispute, or a faith requirement that appears only in a job posting, may undermine credibility. If the organization's foundation is incomplete, pause the requisition and repair the foundation prospectively with counsel.

DECISION GATE 1

Do not proceed with religion-based screening until counsel has confirmed the legal basis and leadership has approved the applicable faith standard.

Step 2 Classify the role before posting

Use a written role-classification process for every opening. Classification is not a conclusion that the organization will win a legal dispute; it is a disciplined record of the facts considered before recruiting begins.

Role classification worksheet

Field	Record before posting
Position	Title, department, supervisor, work location, employee count, and employing entity
Core functions	The actual tasks that are essential to the job
Mission connection	How the role advances or represents the organization's religious mission
Religious functions	Any teaching, prayer, worship, spiritual formation, pastoral, doctrinal, or faith-representative duties
Approved criterion	The precise belief, affiliation, affirmation, or conduct standard approved by counsel
Legal basis	The exemption or other legal framework counsel has identified
Consistency check	How substantially similar roles have been classified and handled
Approvals	Names and dates for leadership, HR, and legal approval

Ministerial roles require separate analysis

The ministerial exception is a constitutional doctrine that can bar certain employment claims involving employees who perform vital religious functions. The Supreme Court has emphasized what the employee does. Titles, ordination, and formal training may be relevant, but no rigid formula controls. Do not label a role “ministerial” as a defensive tactic; send the actual functions to counsel.

DECISION GATE 2

No posting should go live until the role classification, approved faith criterion, interview protocol, and decision record are complete.

Step 3 Write a clear and accurate job description

The job description should tell an applicant what the role does, which qualifications matter, and—when legally approved—what faith commitment is required. Avoid vague culture language that hides the actual standard.

INCLUDE	AVOID
• Essential duties stated in concrete terms • Religious duties and mission-facing responsibilities, if any • The approved faith requirement in direct language • A reference or link to the current statement of faith • A truthful equal employment opportunity statement tailored by counsel • Physical, schedule, travel, licensing, and location requirements that are genuinely job related	• “Our kind of person,” “traditional family,” or other proxy language • Requirements that are broader than the approved criterion • Statements implying exemption from all employment laws • Duties or religious functions the employee will not actually perform • Boilerplate copied from a different entity, jurisdiction, or role • Inflated credentials that screen out candidates without business necessity

Sample faith requirement for counsel review

DRAFT LANGUAGE

[Organization] is a Christian religious organization. Consistent with its mission and subject to applicable law, this position requires the employee to affirm and support [identify the specific statement of faith or defined religious standard]. The complete statement is available at [link]. Questions about this requirement may be directed to [HR contact].

Do not promise more than the law provides

A posting should not say that the organization may discriminate on any basis it considers inconsistent with faith. Identify the precise religious standard and preserve all other lawful, job-related criteria.

Step 4 Control the application process

Applicants for the same role should receive the same material instructions and be evaluated under the same approved process. Consistency does not mean asking intrusive questions; it means using the same lawful criterion, sequence, and scoring method for comparable candidates.

Recommended sequence

1. Publish the approved job description and application instructions.
2. Collect only information needed for initial qualification screening.
3. At the counsel-approved stage, provide the complete statement of faith and explain the required response.
4. Give the applicant a meaningful opportunity to ask questions or identify a need for accommodation.
5. Record the applicant's response using the approved form; do not paraphrase it.
6. Apply the same next step to every similarly situated applicant for that role.

Application controls

- ☐ Use one current version of the statement of faith and record its revision date.
- ☐ Do not ask for church attendance, a pastor reference, denominational history, or details of private religious practice unless counsel has specifically approved the question and its purpose.
- ☐ Do not use photographs, social-media review, names, addresses, schools, or affiliations as proxies for protected characteristics.
- ☐ Provide a process for religious-accommodation requests when applicable; refer requests to HR rather than debating theology in the interview.
- ☐ If an applicant will not affirm the standard, record the exact response and route the decision through the approved review process.

SPECIAL CAUTION

Questions about religious affiliation or belief generally create legal risk for ordinary employers. Use them only after counsel confirms that the organization and the role may lawfully use the approved religious criterion.

Step 5 Conduct structured interviews

The interview should test the qualifications identified in advance. Use the same core questions and rating scale for every candidate for the same role. A structured process reduces improvisation and makes the decision easier to explain.

COUNSEL APPROVED FAITH QUESTIONS MAY INCLUDE • Have you reviewed the organization’s statement of faith and the faith requirement for this position? • Are you able to affirm and support that requirement as described? • This role includes [specific religious function]. Please describe your experience performing that function. • How would you carry out [specific mission-related duty] in a manner consistent with the organization’s stated beliefs?	DO NOT ASK • How old are you or when did you graduate? • Are you married, pregnant, planning children, or responsible for childcare? • What is your race, ethnicity, nationality, native language, or family origin? • Do you have a disability, diagnosis, medical condition, or history of leave? • Where do you worship, how often do you attend, or who is your pastor, unless counsel approved a narrowly defined need? • Any question designed to expose a protected characteristic rather than assess the approved criterion
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Interview note standard

Write	Do not write
“Candidate said: ‘I cannot affirm paragraph 4.’”	“Not really one of us.”
“Example did not demonstrate required payroll-system experience.”	“Too old school.”
“Available for the stated Tuesday travel schedule.”	“Young children may be a distraction.”
“Response scored 2 under the approved rubric because...”	“Bad attitude” without facts or criteria

THE READ ALOUD TEST

Write every note as though it may later be read aloud by an investigator, judge, applicant, board member, or reporter. Record facts and criteria, not intuition or personal judgments.

Step 6 Score and decide

Separate the approved religious criterion from job qualifications. A candidate's faith response should not inflate or erase the evaluation of experience, skill, licensure, availability, or other legitimate requirements.

Candidate decision record

Criterion	Evidence reviewed	Rating or result
Minimum qualifications	Application, résumé, licenses, work authorization process	Meets / does not meet
Core competencies	Structured interview responses, work sample, references	Use approved scale
Faith criterion	Signed response and approved interview answers	Meets / does not meet / legal review
Accommodation	Applicant request and HR review, if applicable	Pending / resolved / not applicable
Final decision	All criteria above and comparative record	Select / do not select / hold

Decision discipline

- ☐ Identify the decision maker before interviews begin.
- ☐ Use only the criteria approved before recruiting began.
- ☐ Resolve inconsistent interview scores before the final decision.
- ☐ Record the real reason at the time of decision. Never reconstruct a cleaner reason later.
- ☐ If several reasons contributed, state each accurately and identify the decisive criteria.
- ☐ Require HR or legal review when the faith criterion determines the outcome.

NO HIDDEN CRITERIA

If a factor was important enough to decide the hire, it should appear in the approved job description, interview plan, or decision rubric. Do not introduce an unwritten “fit” test at the end.

Step 7 Communicate and document the result

Keep communications accurate, brief, and consistent with the decision record. HR should approve rejection templates and decide when a specific reason will be given. Managers should not improvise explanations by telephone, text, or social media.

The complete hiring file

- ☐ Approved requisition and role-classification worksheet
- ☐ Job description and every version of the posting
- ☐ Statement of faith and other standards provided to applicants
- ☐ Applications, résumés, screening records, and applicant responses
- ☐ Interview plan, interviewer training confirmation, notes, and scorecards
- ☐ Accommodation communications and HR review, stored with appropriate confidentiality
- ☐ Selection memorandum or decision record
- ☐ Offer, rejection communication, and onboarding documents
- ☐ Record-retention date and any litigation hold notice

Record retention

Federal regulations generally require covered private employers to preserve personnel or employment records, including application materials, for at least one year from creation or the personnel action, whichever is later. Longer periods can apply to educational institutions, government contractors, state-law claims, pending charges, or litigation holds. Adopt a written schedule approved by counsel and suspend destruction immediately when a charge, threat, audit, or claim is reasonably anticipated.

Confidentiality and access

Limit access to applicant religious information, medical or accommodation information, background checks, and legal advice. Store records in the correct restricted location; do not leave interview notes in email, chat, personal devices, or shared folders.

DECISION GATE 3

Before sending a rejection based in whole or part on the approved faith criterion, confirm that the file is complete and obtain the required HR or legal approval.

Step 8 Make onboarding match the hiring promise

A faith standard cannot exist only at the hiring gate. Onboarding and employment practices should reflect the same documents, expectations, and mission described to applicants.

Onboarding checklist

- ☐ Give the employee the same statement of faith and policies used during hiring.
- ☐ Obtain the required signed acknowledgments without adding new standards after acceptance.
- ☐ Explain religious duties, conduct expectations, reporting channels, and accommodation procedures.
- ☐ Train the supervisor to administer the standard consistently and to route concerns to HR.
- ☐ Apply performance expectations to comparable employees using the same criteria.
- ☐ Review material changes in doctrine, policy, duties, or law with counsel before implementation.

Annual process audit

Review	Question
Organization status	Do governance, communications, and operations still support the legal analysis?
Documents	Are the statement of faith, handbook, applications, and postings aligned?
Role classifications	Do job descriptions match what employees actually do?
Consistency	Were similarly situated applicants and employees treated under the same process?
Training	Have recruiters, interviewers, and supervisors completed current training?
Jurisdictions	Did the organization enter a new state, locality, contract, grant, or remote-work location?

Stop and call counsel

Pause the process and contact CEA counsel or qualified employment counsel when any of the following occurs.

- ☐ The organization has not received a current legal assessment of religious-employer status.
- ☐ The applicant's work location is in a new state or locality.
- ☐ A government contract, grant, license, accreditation, or federal funding condition may apply.
- ☐ A religious criterion may overlap with sex, pregnancy, marital status, sexual orientation, gender identity, disability, national origin, or another protected status.
- ☐ An applicant requests an accommodation, disputes the meaning of the faith standard, or alleges inconsistent treatment.
- ☐ A manager wants to ask about church attendance, pastoral references, family, medical history, or private conduct.
- ☐ The hiring team proposes to change the reason for rejection after the decision.
- ☐ A rejected applicant threatens a charge, asks for the file, sends a demand, or contacts the press.
- ☐ An agency notice, subpoena, preservation demand, or attorney letter arrives.
- ☐ The organization wants to designate a role as ministerial or rely on a constitutional defense.

PRESERVE FIRST

When a dispute is threatened, stop routine deletion. Preserve the posting, applications, emails, messages, notes, scorecards, policies, and relevant electronic records. Do not rewrite notes, backfill forms, or contact the applicant without counsel.

Contact CEA counsel

Use the counsel access information in the CEA Member Portal. Send the governing documents, job description, applicable location, statement of faith, interview materials, and decision record so counsel can assess the full process.

Appendix A Pre posting approval form

Complete this form before recruiting begins. Attach the approved job description and statement of faith.

Field	Entry
Employing entity	_____
Position and department	_____
Supervisor and work location	_____
Employee count and jurisdictions	_____
Essential functions	_____ _____
Religious functions	_____ _____
Approved religious criterion	_____ _____
Legal basis confirmed by	_____ Date _____
HR approval	_____ Date _____
Leadership approval	_____ Date _____
Required rejection review	☐ HR ☐ Counsel ☐ Both
Retention date or schedule	_____

Pre posting certification

I confirm that the job description, application sequence, interview questions, scorecard, faith materials, and approval requirements were completed before the position was posted.

Name _____ Signature _____ Date _____

Appendix B Candidate decision record

Candidate _____ Position _____

Interviewer or decision maker _____ Decision date _____

Approved criterion	Evidence and factual notes	Result
Minimum qualifications	_____ _____ _____	☐ Meets ☐ Does not meet
Required competencies	_____ _____ _____	Score _____
Faith criterion	_____ _____ _____	☐ Meets ☐ Does not meet ☐ Review
Accommodation review	_____ _____ _____	☐ N A ☐ Pending ☐ Resolved
Final reason	_____ _____ _____	☐ Select ☐ Do not select ☐ Hold

Comparative decision summary

State the actual, contemporaneous reason for the decision. Identify the evidence and approved criterion. Do not use “fit” without defining the criterion.

Required approval ☐ HR ☐ Counsel ☐ Both Approved by _____ Date _____

Appendix C Manager quick reference

BEFORE THE INTERVIEW

Read the approved job description and questions. Confirm the rating scale. Do not add questions. Ask HR how to route a faith-standard question or accommodation request.

DURING THE INTERVIEW

Ask the same core questions in the same order. Take factual notes. Do not ask about age, family, pregnancy, health, disability, national origin, or unapproved religious details.

AFTER THE INTERVIEW

Score independently before discussing candidates. Identify evidence for each rating. Submit notes to HR. Do not retain private copies or discuss candidates outside the hiring team.

One page final check

- ☐ The organization's legal status was confirmed.
- ☐ The role and faith criterion were approved before posting.
- ☐ The posting accurately states the actual duties and requirement.
- ☐ Comparable candidates received the same process.
- ☐ Interviewers used only approved questions.
- ☐ The decision follows the approved rubric.
- ☐ The reason was recorded at the time of decision.
- ☐ Any required HR or legal approval was obtained.
- ☐ The complete file is stored under the retention schedule.
- ☐ The supervisor will administer the same standard after hire.

Sources and legal notes

The following authorities informed this guide. CEA counsel should confirm later developments, controlling circuit law, and state or local requirements before publication or use.

Title VII religious organization exemption: 42 U.S.C. § 2000e-1(a), <https://www.law.cornell.edu/uscode/text/42/2000e-1>

Religious educational institution provision: 42 U.S.C. § 2000e-2(e)(2), <https://www.law.cornell.edu/uscode/text/42/2000e-2>

EEOC religious discrimination guidance: EEOC Compliance Manual, Section 12: Religious Discrimination, <https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination>

Pre employment religious inquiries: EEOC, Pre-Employment Inquiries and Religious Affiliation or Beliefs, <https://www.eeoc.gov/pre-employment-inquiries-and-religious-affiliation-or-beliefs>

Federal remedies and damage caps: EEOC, Remedies for Employment Discrimination, <https://www.eeoc.gov/employers/remedies-employment-discrimination>

Applicant record retention: 29 C.F.R. § 1602.14, <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XIV/part-1602/subpart-C/section-1602.14>

Ministerial exception: *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732 (2020), https://www.supremecourt.gov/opinions/19pdf/19-267_1an2.pdf

Damages note

The prior guide stated that one failure-to-hire charge carried “up to \$300,000 in statutory damages.” The revised guide removes that statement. Under federal law, combined compensatory and punitive damages are capped by employer size, from \$50,000 to \$300,000; punitive damages are not available against government entities. Back pay and front pay are outside those caps, and attorney fees, costs, interest, equitable relief, and state-law remedies may also apply. Exposure depends on the facts and governing law.

Educational use only

This guide provides general educational information. It is not legal advice, does not create an attorney-client relationship, and cannot determine whether a specific organization, role, criterion, or decision is protected. Consult qualified counsel before implementing a religion-based hiring practice.