

MEMBERS ONLY | HR AND WORKFORCE

Ministerial Role Classification Review Tool

A practical framework for reviewing religious roles before employment decisions are made

Use this tool to identify and document the facts that may bear on the ministerial exception. It is not a scoring test and does not determine whether a role legally qualifies.

Companion to the CEA Faith Based Hiring Guide

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How to Use This Tool

The ministerial exception protects a religious institution's independence in selecting and supervising certain employees who perform important religious functions. The protection can be significant, but its application is highly fact-specific. Courts examine the role as it actually exists, not simply the title placed on a job description.

Complete this review when a role is created or materially changed, and revisit it before relying on the classification in a hiring, evaluation, discipline, nonrenewal, or separation decision. Use the completed worksheet as an organized factual record for review by qualified employment counsel.

Three Principles to Keep in View

Principle	What It Means in Practice
Function matters most	Describe the important religious responsibilities the employee is entrusted to perform. Do not rely on title alone.
No rigid checklist controls	Title, training, how the role is presented, and actual duties may all be relevant. They are evidence categories, not required boxes or a mathematical score.
Actual practice must match the documents	Job descriptions, agreements, evaluations, supervision, and daily work should tell a consistent and truthful story.

Important Limitations

- The exception does not automatically cover every employee of a Christian organization.
- A religious-sounding title cannot substitute for genuine religious responsibility.
- A secular title does not necessarily defeat coverage when the employee performs important religious functions.
- The doctrine can bar certain employment claims, but it does not guarantee immediate dismissal, eliminate every kind of claim, or prevent the cost and disruption of a dispute.
- State law, the type of organization, the claim asserted, and the facts of the role may affect the analysis.

The Governing Framework

Hosanna Tabor

In *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. 171 (2012), the Supreme Court unanimously recognized a ministerial exception grounded in the Religion Clauses. The Court considered the employee's religious title, religious training and commissioning, the way she held herself out, and her role in conveying the church's message and carrying out its mission. The Court expressly declined to adopt a rigid formula for deciding who qualifies as a minister.

Our Lady of Guadalupe

In *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732 (2020), the Court emphasized that what matters is what the employee does. The teachers' titles and formal training were less religious than those in *Hosanna-Tabor*, but their responsibility for religious instruction and formation placed them within the exception. The Court cautioned against converting the circumstances from *Hosanna-Tabor* into a mechanical checklist.

The Central Review Question

Has the religious institution entrusted this employee with responsibility for carrying out an important part of its religious mission?

Answer that question with specific facts. Identify whom the employee serves, what religious message or formation the employee is responsible for, how often the employee performs those duties, who supervises the religious work, and how the organization evaluates it.

Evidence Categories

Category	Questions to Explore
Religious function	Does the employee teach doctrine, lead worship or prayer, provide spiritual care, form others in the faith, communicate beliefs, or exercise religious leadership?
Role within the mission	Why does the organization regard these responsibilities as important to its religious mission? Who receives or is affected by the employee's religious work?
Title and description	Does the title or written role description communicate religious responsibility? If the title is secular, do the documents clearly explain the religious function?
Training and authorization	Is religious education, commissioning, ordination, certification, formation, or approval required or preferred? Who grants or verifies it?
How the role is presented	How does the organization present the role to employees, students, families, congregants, clients, or the public? How does the employee understand and describe the role?
Accountability and evaluation	Are religious duties supervised and evaluated? Do performance standards address doctrine, worship, formation, spiritual care, or faithful representation of the mission?

Review Process

1 Confirm the organization and role

Identify the employing entity, its religious character, and the specific position under review. Review one role at a time.

2 Describe the work as performed

Gather the current job description, agreement, posting, handbook provisions, evaluation form, training requirements, reporting structure, and examples of recurring work. Interview the supervisor if the documents are incomplete.

3 Identify important religious functions

Separate genuinely religious responsibilities from general mission alignment or conduct expectations. State what the employee does, for whom, how often, and with what authority.

4 Review the supporting circumstances

Consider title, training, authorization, holding out, supervision, and evaluation. Do not add up boxes or require every category to be present.

5 Test consistency

Compare the written role with actual practice. Correct inaccurate or outdated documents prospectively. Never manufacture or backdate support.

6 Record open questions

Identify conflicting facts, mixed duties, changes over time, and any uncertainty about the employing entity or applicable state law.

7 Obtain legal review before relying on the classification

Provide counsel with the completed worksheet and the underlying documents before making a consequential employment decision based on the ministerial exception.

Records to Assemble

- ☐ Current and prior job descriptions
- ☐ Job posting and application materials
- ☐ Offer letter or employment agreement
- ☐ Relevant handbook and faith commitment provisions
- ☐ Religious training, credentialing, authorization, or commissioning records
- ☐ Performance standards and completed evaluations
- ☐ Organizational chart and supervisory structure
- ☐ Representative schedules, curriculum, worship plans, ministry assignments, or other records showing actual duties
- ☐ Written explanation from the organization of why the religious function matters to its faith and mission

Ministerial Role Review Worksheet

Complete with concrete facts. Attach supporting records rather than relying on conclusions or labels.

Organization _____

Employing entity _____

Role title _____

Department or ministry _____

Supervisor _____

Date reviewed _____

Reviewed by _____

A Religious Identity of the Employer

Describe the entity's religious purpose, affiliation, governance, statement of faith, or other features relevant to its religious identity.

Documents reviewed:

B Role Purpose

In one or two sentences, explain why this role exists and how it serves the organization's religious mission.

C Important Religious Functions

Check only duties the employee is actually expected to perform. For every checked item, provide examples and supporting records.

- ☐ Teaches Scripture, doctrine, theology, or the organization's religious beliefs
- ☐ Leads prayer, worship, chapel, sacraments, ordinances, or devotional activities
- ☐ Provides discipleship, spiritual formation, pastoral care, or faith-based counseling
- ☐ Selects, develops, or directs religious curriculum or programming
- ☐ Communicates or interprets the faith to students, employees, congregants, clients, families, donors, or the public
- ☐ Leads a ministry, congregation, religious program, or team responsible for religious work
- ☐ Exercises authority over doctrine, worship, spiritual standards, or religious formation
- ☐ Represents the organization as a religious leader or authorized teacher
- ☐ Evaluates or supervises others in carrying out religious responsibilities
- ☐ Other important religious function

Describe each checked function. Include frequency, audience, authority, expected outcome, and who evaluates the work.

D Relative Importance and Regularity

- ☐ The religious functions are central to the purpose of the role.
- ☐ The religious functions are recurring and expected, not occasional or voluntary.
- ☐ The organization would consider failure to perform the religious functions a material performance issue.
- ☐ The employee has meaningful responsibility or discretion in performing the religious functions.

Explain any mixed, infrequent, or disputed duties:

E Supporting Circumstances

These circumstances may help explain the role, but no single item is automatically required or decisive.

Evidence Area	Facts and Documents
Title and role language	Does the title carry religious meaning? What does the job description say about religious responsibility?
Training and formation	What religious education, formation, certification, ordination, commissioning, or experience is required or preferred?
Authorization and selection	Who approves the employee for religious work? Is there a religious selection, calling, commissioning, or appointment process?
Holding out and representation	How does the organization present the role? How is the employee expected to describe or represent the role?
Supervision and evaluation	Who supervises the religious work? What faith-based standards appear in evaluations or renewal decisions?
Employee acknowledgment	Has the employee acknowledged the religious duties, mission expectations, or responsibility to teach or represent the faith?

Additional facts, including facts that may weigh against classification:

F Consistency Check

- ☐ The written job description matches actual practice.
- ☐ The employment agreement and handbook are consistent with the role.
- ☐ Training and authorization records are current.
- ☐ Supervision and evaluations address the stated religious functions.
- ☐ Public and internal descriptions of the role are consistent.
- ☐ No document materially contradicts the proposed classification.

Explain any inconsistency and the prospective corrective action:

Preliminary Internal Assessment

This section records the organization's preliminary assessment; it is not a legal conclusion.

- ☐ Strong functional indicators. The record shows important, recurring religious responsibilities central to the role.
- ☐ Potential indicators with material uncertainty. Religious and secular responsibilities are mixed, documents conflict, or important facts are incomplete.
- ☐ Limited functional indicators. The role appears primarily secular and the religious responsibilities are incidental, voluntary, or not supported by actual practice.
- ☐ Insufficient information. Additional documents or interviews are required before an assessment can be made.

Reasons for the preliminary assessment:

Facts or documents still needed:

Prepared by _____

Date _____

Counsel Review Record

Consult qualified employment counsel before relying on a ministerial classification in a hiring, evaluation, discipline, nonrenewal, termination, accommodation, leave, wage and hour, or other consequential employment matter.

Counsel or firm _____

Date materials provided _____

Date reviewed _____

Advice and communications from counsel may be privileged. Store them separately and follow counsel's instructions. Record only the operational decision below unless counsel directs otherwise.

Operational decision or next step:

Responsible person _____

Completion date _____

Documentation Alignment Checklist

If the organization proceeds after legal review, align the records prospectively and truthfully. Do not change documents merely to create a desired legal result.

Document or Practice	Alignment Question	Owner and Date
Job description	Does it accurately identify the important religious functions and the role's responsibility within the mission?	
Job posting	Does it communicate the religious nature of the role without overstating it?	
Application and interview	Do questions lawfully explore the applicant's ability to perform the identified religious responsibilities?	
Offer or agreement	Does it accurately incorporate the religious duties, standards, and accountability applicable to the role?	
Handbook	Are faith, conduct, evaluation, and discipline provisions consistent with the role and applicable law?	
Training and authorization	Are required religious training, formation, approval, or commissioning steps documented?	
Supervision	Does the assigned supervisor actually oversee the religious work?	
Performance evaluation	Does the evaluation measure the religious responsibilities the organization says are important?	
Daily practice	Do assignments, schedules, curriculum, worship responsibilities, and communications match the documents?	
Record retention	Are dated versions and supporting materials retained under the organization's recordkeeping policy?	

When to Pause and Seek Counsel

- The organization is not clearly a church, religious school, ministry, or other religious institution.
- The role is primarily operational, administrative, commercial, clinical, technical, or custodial, with only general faith expectations.
- The employee performs both important religious duties and substantial secular duties, and the record is mixed.
- The written documents do not match what the employee actually does.
- A complaint, charge, demand letter, agency inquiry, or lawsuit has been received.
- An adverse decision is imminent, particularly termination or nonrenewal.
- The matter involves leave, disability accommodation, retaliation, wages, contracts, tort claims, or another issue that may not be resolved solely by the exception.
- The organization operates in multiple states or the applicable state law is uncertain.

Common Errors to Avoid

Treating the evidence categories as a point system. The Supreme Court rejected a rigid checklist. A high number of checked boxes is not a legal conclusion.

Using title as a substitute for function. Calling an employee a minister does not make the role ministerial when the actual responsibilities do not support that characterization.

Ignoring secular titles. A teacher or other employee without a ministerial title may still perform important religious functions.

Confusing general faith alignment with ministerial function. A statement of faith or conduct standard may be relevant to employment, but it does not by itself establish that the employee carries out an important religious function.

Writing aspirational duties that are not performed. Courts examine the record. Documents should describe real expectations and real work.

Waiting until a dispute arises. Contemporaneous, accurate records are more useful than explanations developed after a claim is threatened.

Assuming the exception resolves every claim. The reach of the doctrine may depend on the claim and jurisdiction. Other defenses, obligations, and risks may remain.

Failing to update the review. Reassess when duties, reporting lines, programs, governing documents, or the employing entity change.

Legal References

Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, 565 U.S. 171 (2012).

Our Lady of Guadalupe School v. Morrissey-Berru, 591 U.S. 732 (2020).

Educational Use Notice

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