

## **Fired For Missing Work To Observe His Religion, Orlando Man Asks U.S. Supreme Court For Help**

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In 2011, Darrell Patterson was fired from his job at an Orlando Walgreen's Customer Care Center for missing work on a Saturday.

Patterson is a Seventh-day Adventist, a Protestant Christian denomination that observes Saturday, the seventh day of the week, as the Sabbath. Practicing Seventh-day Adventists are prohibited from working from sundown Friday to sundown Saturday — something Patterson's employers at Walgreens knew.

So when they fired him, Patterson sued, claiming religious discrimination. But the courts sided with Walgreens at both the district and appeal levels, saying the employer had done enough to accommodate Patterson in his six years of employment with the pharmacy chain.

How much is enough and what constitutes religious discrimination may now be something for the U.S. Supreme Court to consider. Patterson has filed the case with the nation's highest court, seeking the first court decision in 30 years to address the Sabbath.

“A person that has a religious conviction has really been put in a place to make a choice between their religious conviction and bringing home a paycheck and taking care of their families — a really pointed and harsh predicament to put anybody in,” Patterson said.

From the time he began his employment with Walgreens in 2005, he said Patterson said he was clear with his employers that he would be unavailable during the Sabbath period, indicating it in his employment application and via a letter from his pastor. He also signed an acknowledgement saying he understand he “must be available to work any scheduled shift,” according to the Orlando district court's 2016 decision.

Over the years, Patterson's job schedule rarely coincided with Saturday and when it did, Walgreens allowed him to swap schedules with his coworkers. On two instances, he was written up for leaving work on Friday evenings.

But in 2011, the Orlando customer care office got an influx of 40 new employees due to another branch's closure, and Patterson was one of two training managers on hand to provide emergency training to the new group.

A failure to adequately — and quickly — train those people could have impeded “patients' access to their medication and subject Walgreens to the risk of breaching its contractual obligations and facing significant financial penalties,” the district court ruled.

Failed attempts to swap his shift that Saturday led Patterson to be sent home from work the following Sunday. On Monday, he was offered a role as a customer care representative — a demotion from his current position — that couldn't guarantee that he'd have Saturdays off, Patterson said.

He declined, and was fired shortly thereafter.

In the 19 months he spent unemployed — “not being able to turn on the AC for two summers living in Florida,” he said — Patterson filed a discrimination charge with the Equal Employment Opportunity Commission before being cleared to sue in 2014.

Since, the courts have sided with Walgreens, arguing that the company tried to accommodate Patterson enough, at least, to satisfy its duties under Title VII of the Civil Rights Act. Walgreens declined to comment for this story citing pending litigation.

Getting on the Supreme Court's calendar is no easy feat, but Patterson's attorney, Todd McFarland, said he believes Patterson may have a good chance of being heard because his case addresses an issue the court hasn't revisited since 1986.

“Any time you file a petition, it's a long shot.” McFarland said. “We think this case has a good a case as any — even better than most.”

That's because in its 1986 *Ansonia Board of Education v. Philbrook* ruling, the Supreme Court said employers must reasonably accommodate employees' religious beliefs, as long as the accommodation doesn't cause “undue hardship” to the employer's business.

Patterson and his attorneys believe the court needs to provide further guidance on this point. For its part, Walgreen argued in court that it believes it could suffer “undue hardship” in the future if the standard is changed.

The court will decide in late November if it will hear Patterson's case.

“It's really not about me and it never really has,” he said. “This is really a question about the freedom to worship freely in this country.”

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