

Talking points:

- + Introduce your organization: how it is inspired by faith to serve others, what it does.
- + Explain why your organization engages in religious staffing—why it is important to have a staff committed to your organization’s religious beliefs and faith-shaped conduct standards. If your organization serves people without regard to their religion, but does consider religion when selecting staff, explain the difference.
- + If your organization receives government funding (federal, state, or local), whether via contracts, grants, or other forms (scholarship income, vouchers, fees-for-service, etc.), note this funding and how important it is that your organization and other faith-based organizations not be required to sacrifice religious staffing in order to have access to the funds.
- + If your organization does not take government funds, you can still write something like this: Although we do not accept government funding, we believe that no organization should be excluded by the government from competing for contracts or other funds simply because it is a religious organization that takes seriously its religious identity and religious practices, such as religious staffing.
- + You might write: We know that the proposed changes to clarify the religious exemption that permits religious staffing concern only federal contracting, not the more common federal grants. Yet this strong protection of religious staffing sets an important positive precedent for how the federal government should protect religious staffing when other forms of federal funding are involved.
- + You might write: The proposed changes rightly clarify that it is legal for a religious employer to assess not only an applicant’s or employees’ self-professed religion but whether or not the person agrees with the employer’s religious beliefs and lives up to the employer’s religion-based standards of conduct. We seek for our staff people who believe and act in accordance with our organization’s religious mission and ethos—just checking off a denominational box proves nothing useful to us.
- + You might write: We agree with the NPRM that, to be considered a religious organization entitled to the religious exemption, a religious organization has to show that it is religious, but that it need not be controlled by or connected with a house of worship or denomination, and it does not have to be staffed or governed only by people of a single denomination or religion.
- + You might write: We agree that, to be eligible for the religious staffing exemption, an organization has to have and operate in accordance with a religious purpose and must hold itself out to the public as a religious organization. Our organization makes our religious identity clear to the public and our religious requirements clear to job applicants.
- + You might write: We agree that, to be accepted as legitimate, a religious employer must be sincere in making religious staffing decisions, and not use religion as a pretext for invidious discrimination. In our own employment practices, our organization has articulated the religious

rationale for our religious employment policies and practices, including our insistence that employees follow our religiously based conduct expectations. We are committed to upholding our religion-based standards with every applicant and employee.

+ Consider writing: We acknowledge that, while the NPRM seeks to clarify the religious exemption and thus to safeguard religious staffing, it leaves untouched the general requirement that federal contractors and subcontractors must not discriminate in employment on the bases of sexual orientation and gender identity. Although some wish to eliminate those nondiscrimination requirements, we accept them if the religious exemption is clarified as proposed in this NPRM.

+ Consider writing: While we believe that some for-profit businesses are genuinely religious entities with a religious purpose and practices—for example, some religious broadcasters and kosher butchers—and thus should not be barred from using the religious exemption, we understand that some in the public are concerned that some big businesses may try to misuse the proposed changes in order to set forth a bogus religious pretext for biased employment practices. If such a misuse might actually be able to occur, we recommend appropriate changes to the definition of organizations eligible for the religious exemption in order to prevent such misuse.

+ You might write: Thank you for the careful work in this NPRM to clarify the religious exemption and thereby safeguard the important freedom for religious employers to consider religion in their employment decisions.