



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

## MEMORANDUM

**TO:** Heads and Acting Heads of Departments and Agencies

**FROM:** Scott Kupor, Director, U.S. Office of Personnel Management

**DATE:** July 28, 2025

**RE:** Protecting Religious Expression in the Federal Workplace

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### I. Background and Purpose

“The Founders established a Nation in which people were free to practice their faith without fear of discrimination or retaliation by their government.”<sup>1</sup> President Trump is committed to reaffirming “America’s unique and beautiful tradition of religious liberty,” including by directing “the executive branch to vigorously enforce the historic and robust protections for religious liberty enshrined in Federal law.”<sup>2</sup>

The Federal workforce should be a welcoming place for Federal employees who practice a religious faith. Allowing religious discrimination in the Federal workplace violates the law. It also threatens to adversely impact recruitment and retention of highly-qualified employees of faith.

The First Amendment to the U.S. Constitution robustly protects expressions of religious faith by all Americans—including Federal employees.<sup>3</sup> The U.S. Supreme Court has clarified that the Free Exercise Clause “protects not only the right to harbor religious beliefs inwardly and secretly,” but also “protect[s] the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life.”<sup>4</sup> Indeed, “[r]espect for religious expressions is indispensable to life in a free and diverse Republic[.]”<sup>5</sup>

Freedom of religious expression is further protected by Federal statutes.<sup>6</sup> These statutes prohibit the Federal government from discriminating in employment based on religion or religious expression.<sup>7</sup>

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<sup>1</sup> President Trump, Executive Order 14202, *Eradicating Anti-Christian Bias* (Feb. 6, 2025).

<sup>2</sup> President Trump, Executive Order 14291, *Establishment of the Religious Liberty Commission* (May 1, 2025).

<sup>3</sup> See *Francis v. Mineta*, 505 F.3d 266, 271 (3d Cir. 2007).

<sup>4</sup> *Kennedy v. Bremerton School District*, 597 U.S. 507, 524 (2022) (cleaned up).

<sup>5</sup> *Id.* at 540-41.

<sup>6</sup> 42 U.S.C. § 2000e-16.

<sup>7</sup> 5 U.S.C. § 2302(b)(1)(A).

This memorandum provides guidance to agencies on robustly protecting and enforcing each Federal employee's right to engage in religious expression in the Federal workplace consistent with the U.S. Constitution, Title VII, and other applicable sources of law. It should be read in conjunction with OPM's [Reasonable Accommodations for Religious Purposes](#) memo, issued on July 16, 2025. Agencies should allow personal religious expression by Federal employees to the greatest extent possible unless such expression would impose an undue hardship on business operations. And they should review and (if necessary) revise their internal policies to ensure that they appropriately protect religious expression.

## II. Religious Expression in the Federal Workplace

Federal employees enjoy broad religious expression rights in the workplace.<sup>8</sup> Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment because of an individual's religion, among other protected characteristics. "Title VII does not demand mere neutrality with regard to religious practices—that they be treated no worse than other practices."<sup>9</sup> Instead, it "gives them favored treatment," obligating agencies not to discipline or discharge employees for their "religious observance and practice."<sup>10</sup> This is necessary "to ensure religious persons' full participation in the workforce."<sup>11</sup> Accordingly, Title VII requires employers to reasonably accommodate an employee's religious observances, practices, and beliefs unless doing so would cause an undue hardship on the conduct of the employer's business.<sup>12</sup> Further, "a coworker's dislike of religious practice and expression in the workplace . . . is not cognizable to factor into the undue hardship inquiry."<sup>13</sup>

Title VII defines "religion" to include "all aspects of religious observance and practice as well as belief," not just practices that are mandated or prohibited by a tenet of the individual's faith.<sup>14</sup> However, Title VII does not cover all beliefs. For example, social, political, or economic philosophies, and mere personal preferences, are not "religious" beliefs within the meaning of the statute.<sup>15</sup>

Employees must be allowed to engage in private religious expression in work areas to the same extent that they may engage in nonreligious private expression. Agencies may, however, reasonably regulate the time, place and manner of all employee speech, provided such regulations do not discriminate based on content or viewpoint (including religious viewpoints). Agencies may require that employees perform official work while on duty, as opposed to engaging in personal religious observances.

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<sup>8</sup> See *Francis*, 505 F.3d at 271 (Congress "extended Title VII's protection to federal employees" with 42 U.S.C. § 2000e-16.)

<sup>9</sup> *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 775 (2015).

<sup>10</sup> *Id.*

<sup>11</sup> *Groff v. DeJoy*, 600 U.S. 447, 462 n. 9 (2023).

<sup>12</sup> 42 U.S.C. § 2000e(j); see also 29 C.F.R. § 1605.1.

<sup>13</sup> *Groff*, 600 U.S. at 472 (cleaned up).

<sup>14</sup> 42 U.S.C. § 2000e(j).

<sup>15</sup> U.S. Equal Employment Opportunity Commission Guidance Document, [Religious Discrimination](#), note 18 (Jan. 15, 2021).

Categories of employee conduct which should not result in a disciplinary or corrective action include but are not limited to:

- *Display and Use of Items Used for Religious Purposes or Religious Icons:* Employees should be permitted to display and use items used for religious purposes or icons of a religiously significant nature, including but not limited to bibles, artwork, jewelry, posters displaying religious messages, and other indicia of religion (such as crosses, crucifixes and mezuzahs) on their desks, on their person, and in their assigned workspaces.
- *Expressions By Groups of Federal Employees:* Agencies should allow one or more employees to engage in individual or communal religious expressions in both formal and informal settings alone or with fellow employees, so long as such expressions do not occur during on-duty time. Agencies should not restrict such expressions based merely on hypothetical or potential concerns.
- *Conversations Between Federal Employees:* Employees may engage in conversations regarding religious topics with fellow employees, including attempting to persuade others of the correctness of their own religious views, provided that such efforts are not harassing in nature.<sup>16</sup> Employees may also encourage their coworkers to participate in religious expressions of faith, such as prayer, to the same extent that they would be permitted to encourage coworkers participate in other personal activities. The constitutional rights of supervisors to engage in such conversations should not be distinguished from non-supervisory employees by the nature of their supervisory roles. However, unwillingness to engage in such conversations may not be the basis of workplace discipline.
- *Expressions Among or Directed at Members of the Public:* An employee's fundamental rights, as a private citizen, of personal religious expression are not limited by the venue or hearer, or merely because the employee is a government employee, and therefore may not be suppressed due to the religious nature of the expression.<sup>17</sup> However, when public employees make statements pursuant to their official duties, they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.<sup>18</sup>
- *Expressions in Areas Accessible to the Public:* An employee's ability to make religious expressions in their personal capacities in areas accessible to the public should be treated in the same manner as if those expressions are made in areas inaccessible to the public as their rights to free expression are not limited upon entering a public facility.<sup>19</sup>

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<sup>16</sup> *Chalmers v. Tulon Co. of Richmond*, 101 F.3d 1012, 1019 (4th Cir. 1996). Such attempts must not be harassing in nature.

<sup>17</sup> *Kennedy*, 597 U.S. at 530-31.

<sup>18</sup> *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006).

<sup>19</sup> *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 506 (1969).

Appendix 1 provides some examples of the type of religious expression that is permitted under this guidance.

### **III. Review of Agency Policies**

Agencies are encouraged to review all agency personnel policies to ensure they comply with this guidance and appropriately protect the rights of Federal employees to engage in personal religious expression in the Federal workplace. Please email [religiousfreedom@opm.gov](mailto:religiousfreedom@opm.gov) if you have any questions regarding this guidance.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, and Chiefs of Staff

## **Appendix 1: Examples of Permissible Religious Expression in the Workplace**

### **Display and Use of Items Used for Religious Purposes or Religious Icons:**

- An employee may keep a Bible on her desk, and may read it during breaks. Similarly, an employee may keep rosary beads or tefillin on her desk. During breaks, she may use such items to pray.
- An agency may restrict all posters, but an agency may not single out religious posters, such as those of a crucifix, a Bible verse, or a Star of David, for harsher treatment.
- An employee may wear a cross, as well as clothing displaying a religious message.

### **Expressions By Groups of Federal Employees**

- A group of employees may form a prayer group and gather for prayer or study of scripture or holy books at the office while not on duty hours.
- An employee who requests his supervisor prohibit his coworkers from gathering in an empty conference room for prayer should politely be told his coworkers' conduct will be allowed to continue as it is permissible.

### **Conversations Between Federal Employees**

- During a break, an employee may engage another in polite discussion of why his faith is correct and why the non-adherent should re-think his religious beliefs. However, if the non-adherent requests such attempts to stop, the employee should honor the request.
- An employee may invite another to worship at her church despite being belonging to a different faith.
- On a bulletin board meant for personal announcements, a supervisor may post a hand-written note inviting each of his employees to attend an Easter service at his church.

### **Expressions Among or Directed at Members of the Public**

- A park ranger leading a tour through a national park may join her tour group in prayer.
- A doctor at a Veterans Affairs (VA) hospital may pray over his patient for her recovery.

### **Expressions in Areas Accessible to the Public**

- A security guard stationed at the front desk of a federal office building may display and use a crucifix, Bible, or use rosary beads.
- A receptionist in a doctor's office at a VA Medical Center may pray with a coworker in the patients' waiting area.