

If the selectboard requires all municipal employees using mechanical equipment to remove all jewelry, including wedding rings, is it violating an employee's Constitutional rights?

No. A town employer may require an employee to remove his or her jewelry, including wedding rings, if there is a rational reason for doing so (for instance, safety concerns). Such personnel regulations do not violate the employee's Constitutional right to freedom of religion or to personal freedom and liberty.

Generally, a government agency may grant employment on whatever reasonable terms and conditions it sees fit. McQuillin, *Municipal Corporations*, 19.23.20. The town has a legitimate interest in the safety and protection of its employees. A regulation, such as requiring the removal of jewelry, which is rationally related to furthering a legitimate governmental interest, will be upheld against a Constitutional challenge.

An employee is not denied his or her freedom of religion by having to remove his or her wedding ring, because the town is not denying the employee's right to hold a particular religious belief. Instead, the regulation may merely have the effect of forcing the employee to compromise his or her religious convictions. *Marshall v. District of Columbia*, 392 F.Supp. 1012 (D.DC) (1975). A town is not required to make exceptions to its regulations to accommodate the religious convictions of its employees. *Id.* at 1015.

Finally, an employee's right to personal freedom and liberty is not violated because the right to wear jewelry is not a fundamental right protected by the Constitution.

VLCT News, April 1999