# The University Of Notre Dame Asks The Seventh Circuit To Enjoin The Contraception Mandate

February 21, 2014  |  Employee Health Issues,Labor And Employment

**Mark D. Scudder**
Of Counsel

On Feb. 12, 2014 the Seventh Circuit Court of Appeals held an oral argument in *University of Notre Dame v. Sebelius.* In this argument, the university asked the Seventh Circuit to reverse a district court decision denying the university's request to enjoin the application of the contraception mandate in the Affordable Care Act. Several other courts, including the U.S. Supreme Court, have enjoined the application of the contraception mandate while the courts consider whether the mandate violates employers' constitutional rights. We discussed these earlier decisions in our prior post.

The contraception mandate requires non-profit religious entities which object to providing contraceptive services to submit a form to the government indicating their religious objections and transferring the responsibility of providing those services to a third party. Judge Richard Posner, one of the three judges at the oral argument, questioned whether the university's role in this process was "trivial" as it did not have to provide or pay for the objectionable services. The university responded that forcing the university to transfer responsibility for these services to a third party made the university complicit in an act it found objectionable. While this case dealt with the rights of non-profit religious employers, we have previously discussed that the Supreme Court will hear oral argument this spring in the *Hobby Lobby* and *Conestoga* cases to decide whether—and to what extent—for-profit corporations have a right to exercise religion. Stay tuned—we will soon see significant decisions regarding the scope of employer's religious liberty.

## RELATED PRACTICE AREAS

Affirmative Action/OFCCP Compliance
Disability, Leave and Medical Issues
Labor and Employment
Workers' Compensation

## RELATED TOPICS

Affordable Care Act
Contraceptive Mandate
Seventh Circuit