

# CLIENT ALERTS

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## Supreme Court Addresses Religious Accommodations Under Title VII

### Client Alert

6.30.2023

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., prohibits, among other protected statuses, employment discrimination on the basis of religion. Most Title VII provisions prohibit discrimination based on protected status, but do not place any affirmative obligations on employers to act. However, Title VII and the relevant federal regulations not only prohibit religious discrimination, but also require an employer “to reasonably accommodate the religious practices of an employee or prospective employee, unless the employer demonstrates that accommodation would result in undue hardship on the conduct of its business.” 29 C.F.R. 1605.2(b)(1).

In 1977, the U.S. Supreme Court considered the accommodation obligation, and issued a decision that was widely interpreted to mean that if there was more than “a de minimis cost” to accommodate an employee’s religious practice, the accommodation constituted “an undue hardship” and therefore was not required. *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977). Now, 46 years later, the Supreme Court has revisited *Hardison* and set forth a new standard for when a religious accommodation presents an “undue hardship.” The case is *Groff v. Dejoy*.

### Underlying Facts

In 2012, Gerald Groff became a Rural Carrier Associate (“RCA”) for the United States Postal Service. At that time, Groff and other RCAs were not required to deliver mail on Sundays. However, this changed in 2013 when the USPS signed a contract to deliver packages for Amazon. This was an issue for Groff, an Evangelical Christian who observes a Sunday Sabbath, believing that day is meant for worship and rest. The USPS tried to accommodate Groff’s request to not work on Sundays for a for a period of time, with mixed results. USPS eventually stopped its attempts to accommodate Mr. Groff and began disciplining him when he

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refused to work on Sundays. Mr. Groff resigned when it became apparent that he would be terminated for refusing to work on the Sunday Sabbath. Mr. Groff then sued USPS under Title VII for failing to reasonably accommodate his religious practices.

### **The Supreme Court's Holding**

In a unanimous decision, the Court determined that Title VII requires an employer to show more than just a minor or “de minimis” cost to deny a religious accommodation. Instead, an employer that denies a religious accommodation must show that granting the accommodation would result in “substantial increased costs in relation to the conduct of the particular business.” In analyzing a religious accommodation under this new standard, courts will take into account all relevant factors in the particular case, including the particular accommodations at issue and their practical impact in light of the nature, size, and operating cost of an employer. The Court also clarified what consideration an employer can give to the accommodation’s impact on coworkers. Under *Groff*, the impact on coworkers is only relevant to the undue hardship analysis if those impacts go on to affect the conduct of the business. However, a hardship that is attributable to employee animosity to a particular religion, to religion in general, or to the very notion of accommodating religious practice, cannot be considered in denying an accommodation.

### **Lessons for All Employers**

Simply put, *Groff* will require employers to more carefully analyze religious accommodation requests. Denying a religious accommodation will demand a higher level of proof that the accommodation seriously impacts the business enterprise. At the very least, employers need to strongly evaluate the costs, both financially and operationally, granting a religious accommodation would have on the business, and be able to demonstrate that impact would be substantial before denying an accommodation. Moreover, an employer cannot simply reject an employee’s proposed accommodation. Instead, the Supreme Court made clear employers must consider other possible accommodations if the employee’s requested accommodation is unreasonable.

If you have any questions about Title VII, religious accommodations for employees or any other Labor & Employment issue, please contact your Butzel Labor & Employment Attorney.

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