

Labor and Employment Alert July 20, 2023

The U.S. Supreme Court Clarifies and Updates the Standard for Religious Accommodations Case Overview

On June 29, 2023, in a unanimous decision, the United States Supreme Court redefined how employers must evaluate religious accommodation requests under federal law. In Groff v. LeJoy, Postmaster General, the Court heard a civil rights challenge under Title VII of the Civil Rights Act of 1964. Mr. Groff, an Evangelical Christian, and a former postal worker residing in rural southeast Pennsylvania, asserted that the United States Postal Service (USPS) impacted his ability to observe his Sunday Sabbath as a religious day of rest because they required him to work certain Sundays. The USPS denied Groff's request for an accommodation to not work on Sundays and began to progressively discipline Groff for his continuing refusal to do so. In light of an expected termination from employment, Groff instead resigned and then brought suit against the USPS alleging violation of Title VII for failing to accommodate his religious beliefs.

For nearly 50 years, the Supreme Court's opinion in Trans World Airlines, Inc. v. Hardison set the general standard for religious accommodations under Title VII. Title VII requires employers to make reasonable accommodations for employees' sincerely held religious beliefs, unless it would create an "undue hardship on the conduct of the employer's business." The Court in Hardison, in interpreting the facts before them in that case, found that "[to] require [the employer] to bear more than *de minimis* cost . . . is an undue hardship." While the phrase "more than *de minimis*" has always been somewhat vague, the Hardison Court largely set the standard by which lower courts and the EEOC have evaluated assertions of undue hardship in the context of requests for reasonable accommodations under Title VII. Assertions of undue hardship under the Americans with Disabilities Act (ADA) have been subject to a significantly stricter standard, requiring the showing of "significant difficulty and expense" to demonstrate an undue hardship.

For the first time since Hardison, the Supreme Court reviewed and clarified the undue hardship standard under Title VII. While Groff argued that the Court should align its interpretation of the term "undue hardship" under Title VII with the higher standard used to evaluate accommodation requests under the ADA, the Court declined to do so, opining that such an interpretation would go "too far." Instead, the Court clarified the "undue hardship" standard under Title VII to mean "a burden that is substantial in the overall context of an employer's business." Adding that the burden should be assessed on a case-by-case basis, focusing on how the accommodation affects the conduct of the individual business. According to the Court, in evaluating whether an accommodation represents an undue hardship, lower courts "must apply the test to take into account all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of an employer."

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Practical Impact

Groff represents an important case for employers, and another example of the Supreme Court strengthening religious liberties. While purporting to “clarify” the Hardison undue hardship standard, the Court redefines the long-standing interpretation of the standard, stating affirmatively that demonstrating undue hardship under Title VII requires more than a mere showing of greater than *de minimis* costs. Additional court cases will undoubtedly follow, further clarifying and interpreting the contours of the standard for an employer to demonstrate undue hardship. In the meantime, employers must carefully evaluate requests for religious accommodation and consult with legal counsel in navigating this updated standard.

This Client Alert was prepared by Etty Singer. This Alert was reviewed by Kier Wachterhauser and Sarah Spatafore. If you have any questions about this issue, please contact the attorney responsible for your account, or call (617) 479-5000.

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