

Supreme Court Sets Higher Standard for Employers to Justifiably Deny Religious Accommodation Requests

Labor & Employment Law Update

By Sara Zorich on June 30, 2023

In *Groff v. DeJoy, Postmaster General* (No. 22-174, June 29, 2023 Slip Opinion), the US Supreme Court held that Title VII requires an employer that denies a religious accommodation to show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business.

The Court opined that when courts review religious accommodations in the future they must take into account all relevant factors in the case, including the particular accommodations at issue and their practical impact in light of the nature, size, and operating cost of an employer.

Groff worked for the US Postal Service (USPS) and requested an accommodation to not be scheduled to work on Sundays based on his religious beliefs so that he could devote the day to worship and rest. To accommodate his request, he was relocated to a more remote USPS location without Sunday delivery. Eventually, his new location required Sunday delivery of packages.

Groff was then subjected to continued progressive disciplinary action for failing to work on Sundays. Groff sued USPS under Title VII for failure to accommodate him. Relying on the Court's own language from an earlier decision on this issue, both the district court and the Third Circuit ruled that requiring USPS to bear more than a "*de minimis*" cost would be an undue hardship. They held that exempting Groff from Sunday work disrupted the workplace and workflow, and caused diminished employee morale. Thus USPS was justified in its denial of Groff's accommodation request.

The Supreme Court disagreed with the lower courts and held that this "*de minimis*" standard is not proper. Instead the Court held that going forward, when looking at an employer's denial of a religious accommodation request, the facts of the case and nature of the accommodation should be reviewed while taking into account the costs in light of the nature, size and operating cost to the employer. The Third Circuit's opinion was vacated and the case has been remanded for further proceedings to determine if USPS's denial of Groff's

accommodation request would be justified based on the costs in relation to USPS's business.

In addition, the Court's opinion also addressed what it noted as reoccurring Title VII issues and further held that when reviewing an employer's denial of a religious accommodation, the following shall be applied:

1. Impacts on coworkers are relevant only to the extent those impacts go on to affect the conduct of the employer's business.
2. A hardship that is attributable to employee animosity, to a particular religion, to religion in general, or to accommodating religious practice, cannot be considered an "undue" hardship.
3. To address a religious accommodation, an employer must do more than conclude that forcing other employees to work overtime would constitute an undue hardship. Consideration of other options is necessary.

Based on the foregoing, employers must reevaluate their process and procedure when engaging in an employee's religious accommodation request. The Supreme Court has made it clear that the standard an employer must prove to justify a denial of an accommodation must result in substantial increased costs in relation to the conduct of the employer's particular business.

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