Supreme Court Clarifies Standard Related to Employer Accommodations of Religious Beliefs

PUBLISHED ON
June 30, 2023

Yesterday, the U.S. Supreme Court issued an important decision regarding the legal standard applicable in cases when employees claim that their employers failed to accommodate their religious practices, as required under Title VII of the Civil Rights Act. That law requires covered employers to accommodate employees' religious practices, unless doing so would impose an undue hardship on the employer's operations. The Court's unanimous decision focused on the meaning of "undue hardship," although the decision provided more clarity regarding what does *not* qualify as an "undue hardship" than what does qualify.

The case centered around Jared Groff, a U.S. Postal Service employee in rural Pennsylvania. Groff's religious beliefs required him to refrain from work on Sundays, but the Postal Service needed him to fulfill an agreement with Amazon for Sunday deliveries. Groff was eventually terminated for refusing to work on Sundays and subsequently sued, losing in the lower courts.

The U.S. Supreme Court agreed to hear Groff's appeal, but the Court's opinion in the case focused mostly on clarifying a precedent set in the 1978 case of *Trans World Airlines, Inc. v. Hardison*. Some lower courts had interpreted the *Hardison* decision as permitting employers to deny religious accommodations if they had "more than *de minimis*" effect on business operations. This pro-employer standard meant that even a slight effect on operations could justify denying a requested religious accommodation.

In *Groff*, however, the Supreme Court rejected the "more than *de minimis*" standard. Instead, to establish the undue hardship defense, an employer must demonstrate that the requested accommodation's effect would be "substantial in the overall context of an employer's business." That determination will depend on various factors, such as the accommodation's impact on operations, the employer's size, and its operating costs.

Groff had asked the Supreme Court to adopt the same "undue hardship" test applicable under the Americans with Disabilities Act, which requires employers to take specific steps to accommodate employees' disabilities. But the two statutes utilize different language and have been interpreted for decades as imposing different requirements. The Supreme Court, therefore, refused to go as far as Groff's legal team had asked.

The decision suggested that employers can consider the negative effect of an accommodation on co-workers when deciding whether to grant it, but only if those effects have a business consequence. Negative co-worker morale related to accommodating a religious request might qualify as an undue hardship in certain cases. But not all forms of co-worker discontent will be considered undue hardship, particularly if they involve bias, hostility, or discrimination based on religious beliefs since Title VII prohibits such discrimination.

As for Groff's case, the Supreme Court vacated the lower court's decision against him and remanded the case for

further consideration without applying the rejected "more than *de minimis*" standard. The outcome of this re-evaluation remains uncertain.

Does the *Groff* decision imply significant changes for employers addressing religious accommodation requests? Most likely not. Employers should continue to follow these steps in response to such requests:

1. Assess each request on an individual basis.

2. Meet with the employee to discuss their specific religious practices and the requested accommodation.

3. Implement the preferred accommodation if it doesn't cause significant disruption or expense.

4. If the requested accommodation would disrupt operations or require substantial expenditure, explore alternative accommodations in collaboration with the employee.

5. Avoid partial accommodations. To be effective, accommodations must fully resolve the conflict between the employer's requirements and the employee's religious practices.

6. Regarding time off for religious practices, consider scheduling changes, voluntary shift swaps, or lateral employee transfers as potential accommodations

Employers facing complex religious accommodation situations may consult David Freedman or any member of the Barley Snyder Employment Practice Group for guidance.

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