



U.S. Supreme Court Sides with USPS Worker on Religious Accommodation

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In ruling on a case involving an employee of the U.S. Postal Service (USPS), the Supreme Court of the United States (SCOTUS) made it clear that employers can no longer avoid granting employee requests for religious accommodations on the basis that granting the accommodations would cost them more than a *de minimus* amount.

The case (*Groff vs. DeJoy*) was brought by USPS employee Gerald Groff, an evangelical Christian and former missionary, who worked as a substitute letter carrier. He had refused to take any Sunday shifts and was disciplined for it.

Eventually, Groff resigned and subsequently sued the USPS. His lawsuit claimed his employer had violated Title VII of the Civil Rights Act in not granting his requests for religious accommodations.

SCOTUS Raises Bar for Denial of Religious Accommodation, Clarifies the Meaning of “Undue Hardship”

The high court’s decision said that employers must provide reasonable accommodation for its employees when religious observances conflict with their job responsibilities unless the accommodation imposes an “undue hardship.”

The justices also reinterpreted the meaning of “undue hardship” and held that Title VII of the Civil Rights Act requires employers who deny religious accommodation must show that the burden of granting an accommodation would result in “substantial increased costs in relation to the conduct of its business.” This process may require employers to engage in a fact specific inquiry whenever managing requests for religious accommodations.

In a rare unanimous decision, the court reversed decades of precedent in determining that employers must demonstrate more than a *de minimis* (trivial) burden to avoid bearing their otherwise mandated obligation to provide religious accommodations for employees.

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The justices sent the case back to the lower court to determine whether the Postal Service can provide possible accommodations to the Christian letter carrier that would allow him to remain employed without requiring him to work on Sundays.

What Does the Ruling Mean for Employers?

In his opinion, Justice Samuel Alito provided a straightforward answer to the question: "Faced with an accommodation request like Groff's, an employer must do more than conclude that forcing other employees to work overtime would constitute a hardship. Consideration of other options will also be necessary... 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 undue. Bias or hostility to a religious practice or accommodation cannot supply a defense."

In response to this ruling and the revised process for evaluating employee requests for religious accommodation, employers should consider the following steps:

- Educate your human resources staff and managers about a potential increase in requests for religious accommodations and how to apply the new standard to employee requests.
- Review all avenues in responding to requests based on religious beliefs, including the options which aren't least expensive or most convenient.
- Ensure that all engagement with employees requesting religious accommodation is interactive, cooperative and respectful.
- Consult with legal counsel to assess full impact of the Groff decision; revise policy on religious accommodations; review standards for establishing "substantial costs" related to granting a religious accommodation; and examine additional aspects of complying with the Supreme Court's decision.

Proactive Approach to Religious Accommodation is Best

The *Groff vs. DeJoy* ruling is a major development in the law of religious accommodation. The decision may also enable employees to be more confident in their ability to request religious accommodations – and to challenge denials of those requests.

Going forward, employers need to recognize that much more will be expected of them. Those who fail to adjust may find themselves involved in expensive and risky litigation.

Employers would be well served to take the initiative and launch a careful review and update of the organization's policies, procedures and approaches to handling employee requests for religious accommodations.

If you have any questions about Title VII, religious accommodations for employees or other labor or personnel issues, please contact a member of Foster Swift's Employer Services Practice Group:

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