

Alert – Employers Must Justify the Denial of Religious Accommodation by Showing that It Would Result in Substantial Increased Costs

On June 29, 2023, the Supreme Court broadened protections for religious workers in a case that involved a postal carrier who refused to work on Sunday.

Gerald Groff, an evangelical Christian who worked as a substitute mail carrier, brought the case. In 2013, the Postal Service agreed with Amazon to deliver packages on Sundays. Mr. Groff felt he had to choose between his faith and his livelihood, opting to quit after being disciplined for missing work. He then sued under Title VII of the Civil Rights Act of 1964, which requires employers to “reasonably accommodate” employees’ religious practice so long as they can do so “without undue hardship.”

A 1977 Supreme Court ruling stated that employers need not provide a religious accommodation to workers if the effort imposed more than a trifling, or “de minimis,” burden on their businesses.

In response to Mr. Groff’s lawsuit, the Postal Service argued that his refusal to work on Sundays imposed a significant burden, disrupted the workplace and workflow, diminished employee morale, and burdened his coworkers.

In a unanimous decision, the Court held that Title VII of the Civil Rights Act of 1964 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.

Employers will likely see an increase in religious accommodation requests. To be ready to respond and comply with the newly announced standard, employers may want to consider the following:

- Revise your employee policies to reflect the “undue burden” standard.
 - Be prepared to engage in an interactive dialogue with employees who request a religious accommodation, including working with the employee to find a workable accommodation.
 - If you deny a request, provide written reasoning to clarify your position.
1. Blanket denials are not sufficient.
 2. The employer should articulate the hardship regarding their overall business, emphasizing the cost of the requested accommodation, the impact on other employees,

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any safety implications, and the effect on the employer's other obligations, such as seniority rights or collective bargaining agreements.

- As always, documentation is essential.
- Consult with legal counsel.

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