

Bodman PLC

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### **Religious Accommodation Undue Hardship Becomes More Difficult to Meet Under Federal Law**

By: Mackenzie E. Clark, Associate, Workplace Law Group

Title VII of the Federal Civil Rights Act of 1964 (“Title VII”) requires employers to accommodate any employee’s sincerely held religious beliefs unless accommodation would result in an undue hardship. Historically, denial of a religious accommodation on undue hardship grounds carried a minimal burden of showing hardship. The issue of religious accommodation became significant during the COVID-19 pandemic, when employees who objected to vaccination due to their religious beliefs brought a slew of litigation across the country.

While this issue has faded away as vaccine mandates have dissipated, the religious accommodation test once again became front and center recently when, on June 29, 2023, the U.S. Supreme Court issued a unanimous decision addressing, clarifying, and heightening the undue hardship test for religious accommodations in *Groff v. DeJoy, Postmaster General*. In that case, Groff, an Evangelical Christian postal worker who believes for religious reasons that Sunday should be devoted to worship and rest, was assigned Sunday work when his branch began making Sunday deliveries. Groff refused to work on Sunday and the United States Postal Service (“USPS”) disciplined Groff for refusing to work on Sunday. The USPS claimed that it was an undue hardship to accommodate Groff’s religious beliefs because his delivery duties would need to be redistributed to other staff. Groff eventually resigned. Groff sued under Title VIII alleging that USPS could have accommodated his Sunday practice without undue hardship to USPS business.

The district court ruled for USPS and the Court of Appeals agreed, stating that requiring an employer to bear more than a *de minimis* cost to provide a religious accommodation is an undue hardship. Application of the *de minimus* standard test was consistent with long-established precedent. The Supreme Court, however, unanimously vacated the lower court’s opinion and redefined the undue burden standard, ruling that when a religious accommodation is requested and an employer claims an undue hardship, the employer has the burden of granting an accommodation unless doing so would result in substantial increased costs in relation to the conduct of its particular business.

Post-Groff, employers must be careful to analyze each religious accommodation request carefully, to ensure that any denial is based on evidence that granting the accommodation would result in substantial increased costs. It is also important to review and revise, if necessary, policies and procedures for making religious accommodation requests to ensure compliance with the new test and to educate managers on such policies and procedures.

Please contact any member of **Bodman's [Workplace Law Group](#)** if you have any additional questions regarding religious accommodations. Bodman cannot respond to your questions or receive information from you without establishing an attorney-client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.

<b>WORKPLACE LAW PRACTICE GROUP</b>	<b>AARON D. GRAVES   CHAIR</b> 313.392.1075 <a href="mailto:agraves@bodmanlaw.com">agraves@bodmanlaw.com</a>	<b>JOHN T. BELOW</b> 248-743-6035 <a href="mailto:jbelow@bodmanlaw.com">jbelow@bodmanlaw.com</a>	<b>JOHN C. CASHEN   OF Counsel</b> 248.743.6077 <a href="mailto:icashen@bodmanlaw.com">icashen@bodmanlaw.com</a>
	<b>MACKENZIE E. CLARK</b> 248.925.1926 <a href="mailto:mclark@bodmanlaw.com">mclark@bodmanlaw.com</a>	<b>AMANDA MCSWEEN EMPEY</b> 313-392-1056 <a href="mailto:aempey@bodmanlaw.com">aempey@bodmanlaw.com</a>	<b>GARY S. FEALK</b> 248-743-6060 <a href="mailto:gfealk@bodmanlaw.com">gfealk@bodmanlaw.com</a>
	<b>JOHN DAVID GARDINER</b> 616.205.3123 <a href="mailto:jgardiner@bodmanlaw.com">jgardiner@bodmanlaw.com</a>	<b>MICHELLE L. KOLKMEYER</b> 248.743.6031 <a href="mailto:mkolkmeyer@bodmanlaw.com">mkolkmeyer@bodmanlaw.com</a>	<b>KAREN L. PIPER   OF Counsel</b> 248.743.6025 <a href="mailto:kpiper@bodmanlaw.com">kpiper@bodmanlaw.com</a>
	<b>REBECCA C. SEGUIN-SKRABUCHA</b> 248.925.1936 <a href="mailto:rsequinskrabucha@bodmanlaw.com">rsequinskrabucha@bodmanlaw.com</a>	<b>MELISSA M. TETREAU</b> 248.743.6078 <a href="mailto:mtetreau@bodmanlaw.com">mtetreau@bodmanlaw.com</a>	<b>DAVID B. WALTERS</b> 248.743.6052 <a href="mailto:dwalters@bodmanlaw.com">dwalters@bodmanlaw.com</a>