

Beyond De Minimis: Navigating Religious Accommodation After the U.S. Supreme Court's Decision in *Groff v. DeJoy*

By: Kerry K. Cahill, Member, Workplace Law Group

Title VII of the Civil Rights Act of 1964 requires employers to accommodate the religious practices of their employees unless doing so would impose an “undue hardship on the conduct of the employer’s business.” Based on one sentence from a 1977 U.S. Supreme Court opinion, federal courts previously interpreted “undue hardship” to mean any effort or cost that is more than “de minimis,” a relatively employer-friendly standard. That standard changed in 2023, however, with *Groff v. DeJoy*, where Justice Alito delivered the court’s unanimous opinion and clarified “what Title VII requires” when evaluating a religious accommodation request.

The *Groff* opinion raised the bar for employers seeking to deny a religious accommodation. It held that a “de minimis” cost is not enough to establish undue hardship under Title VII. Instead, undue hardship exists when a burden is *substantial* in the overall context of an employer’s business.

What does this mean for employers navigating religious accommodation requests? It means they must show that the burden of granting an accommodation would result in substantial increased costs to the operation of their business. When analyzing the potential costs, *Groff* directs lower courts to consider “all relevant factors in the case at hand,” including the accommodation requested and its practical impact in light of the employer’s “nature, size, and operating cost.” In short, context matters—there is not a one-size-fits-all answer to what constitutes substantial increased costs.

Within that flexible framework, however, the court provided two important guideposts. It clarified that co-worker impacts are relevant only to the extent they affect the employer’s business, not where they reflect morale concerns or co-worker resentment. Not mincing words, the court held that evidence relating to coworkers is “off the table for consideration” unless it demonstrates a substantial strain on the employer’s business. The *Groff* court made equally clear that the accommodation analysis must be proactive, requiring

employers to consider alternative accommodations, even those the employee has not proposed.

Since 2023, lower courts have further defined what qualifies as an undue hardship substantial enough to satisfy *Groff*. Sixth Circuit courts have deemed serious disruptions to essential operations, tangible safety or legal risks, and significant added costs or inefficiencies as examples of substantial increased costs justifying an employer's denial of a religious accommodation. In contrast, lower courts have held that speculative concerns, such as possible additional work for co-workers or abstract security concerns without regard to costs, are insufficient to demonstrate undue hardship. Similarly, a public school's claim that a teacher's requested pronoun accommodation undermined its mission and potentially exposed it to legal risk was deemed too conclusory to establish an undue hardship at the summary judgment stage. Employers have also been denied summary judgment when they did not present any evidence of having actively considered other possible accommodations.

In light of *Groff* and its progeny, employers should consider adopting the following measures to reduce potential liability for religious discrimination claims:

- Employers should evaluate religious accommodation requests on a case-by-case, fact-specific basis. Best practices include the employer's active participation in a good-faith effort to accommodate the employee.
- When denying an accommodation, employers should identify and document specific, fact-based operational consequences and explain how those consequences affect business operations. The focus should be on measurable impacts, not speculative concerns or a generalized decrease in employee morale.
- Employers should not simply deny a request. Best practices now include actively looking for, offering, and documenting alternative accommodations.
- Employers should train supervisors, managers, and human resources professionals on the *Groff* standard.

For additional guidance on evaluating and responding to requests for religious accommodations, please contact the author, Kerry Cahill (kcahill@bodmanlaw.com | 248-743-6046), or any member of Bodman's [Workplace Law Group](#). 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.

BODMAN'S WORKPLACE LAW GROUP

JOHN DAVID GARDINER <i>Chair</i> 616-205-3123 jgardiner@bodmanlaw.com	REBECCA C. SEGUIN-SKRABUCHA <i>Vice Chair</i> 248-925-1936 rseguin-skrabucha@bodmanlaw.com	JOHN T. BELOW 248-743-6035 jbelow@bodmanlaw.com	KERRY K. CAHILL 248-743-6046 kcahill@bodmanlaw.com
JOHN C. CASHEN <i>Of Counsel</i> 248-743-6077 icashen@bodmanlaw.com	MACKENZIE E. CLARK 248-925-1926 mclark@bodmanlaw.com	AMANDA MCSWEEN EMPEY 313-392-1056 aempey@bodmanlaw.com	GARY S. FEALK 248-743-6060 gfealk@bodmanlaw.com
AARON D. GRAVES 313-392-1075 agraves@bodmanlaw.com	MICHELLE L. KOLKMEYER 248-743-6031 mkolkmeyer@bodmanlaw.com	CHRISTINA L. NECHIPORCHIK 734-930-2495 cnechiporchik@bodmanlaw.com	KAREN L. PIPER <i>Of Counsel</i> 248-743-6025 kpiper@bodmanlaw.com
CAMERON D. RITSEMA 616-205-4358 critsema@bodmanlaw.com	DAVID B. WALTERS <i>Of Counsel</i> 248-743-6052 dwalters@bodmanlaw.com		