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U.S. Supreme Court Raises the Bar for Employers in Religious Accommodation Cases

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On June 29, 2023, the U.S. Supreme Court issued a unanimous decision clarifying the standard for determining whether employees' religious accommodation requests impose an undue hardship on employers. In Groff v. DeJoy, 600 U.S. ___, No. 22-174 (2023), the lower courts had granted and affirmed summary judgment for the employer, relying on Trans World Airlines, Inc. v. Hardison, a 1977 Supreme Court opinion, which stated that requiring an employer to bear "more than a de minimis cost" would be unduly burdensome.[1] In reversing the Third Circuit, the Court held that an employer will be required to prove that "granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business" before denying a religious accommodation.[2]

In Groff, the plaintiff, a former mail carrier who is an Evangelical Christian, believes that Sundays should be "devoted to worship and rest."[3] When Groff was hired by the United States Postal Service ("USPS") in 2012, his position did not generally involve work on Sundays. That changed, however, when USPS entered into an agreement with Amazon to deliver packages on Sundays. Groff sought and received a transfer to a small USPS station with only seven employees that initially did not work on Sundays, but then began to do so. Groff's Sunday assignments were redistributed to other employees. He received "progressive discipline" for refusing to work on Sundays. Eventually, Groff resigned.[4]

Groff sued under Title VII, claiming USPS could have accommodated his religious practices without undue hardship.[5] The Supreme Court analyzed Hardison and determined that despite its "de minimis" language often quoted by the Third Circuit and other courts, the Hardison Court had "stat[ed] three times that an accommodation is not required when it entails 'substantial' 'costs' or 'expenditures.'"[6] As a result, rather than overturning its 1977 decision, the Court clarified that Hardison "does not compel courts to read the 'more than de minimis' standard 'literally' or in a manner that undermines Hardison's references to 'substantial' costs."[7]

Ultimately, the Groff Court held that "showing 'more than a de minimis cost,' as that phrase is used in common parlance, does not suffice to establish 'undue hardship' under Title VII."[8] Instead, undue hardship "is shown when a burden is substantial in the overall context of an employer's business."[9] In other words, "an employer must show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business."[10] When applying this test, courts must consider "all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, 'size and operating cost of [an] employer.'"[11]

From a practical standpoint, the Court recognized that much of the EEOC's guidance on undue hardships "is sensible and will, in all likelihood, be unaffected by [its] clarifying decision today."[12] However, employers will be subject to a higher standard in proving that a requested religious accommodation would impose an undue hardship when deciding whether to grant employee religious accommodation requests.

FOOTNOTES

[1] Groff v. DeJoy, 35 F.4th 162, 174, n. 18 (3d Cir. 2022) (quoting Trans World Airlines, Inc. v. Hardison, 432 U.S. 63, 84 (1977)).

[2] Slip Op. at 18.

[3] Id. at 1.

[4] Id. at 2-3.

[5] Id. at 3.

[6] Id. at 12.

[7] Id. at 14-15.

[8] Id. at 15.

[9] Id. at 15-16.

[10] Id. at 18.

[11] Id.

[12] Id. at 19.

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