

## **U.S. Supreme Court Tightens Undue Hardship Title VII Religious Accommodation Standards**

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The U.S. Supreme Court in *Groff v. DeJoy* has tightened the undue hardship standard for reviewing religious accommodation requests. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of protected classifications, including sincerely held religious observances and practices. The law requires an employer to reasonably accommodate such observances or practices that do not create an “undue hardship” on the conduct of the employer’s business. Many courts and employers had interpreted a 1977 United States Supreme Court Case (*Hardison*) as standing for the proposition that this “undue hardship” standard is met in the context of a religious accommodation whenever the accommodation would impose more than a *de minimis*—or “trivial”—cost on an employer.

However, the Supreme Court in *Groff v. DeJoy* clarified that undue hardship requires a showing that “a burden is substantial in the overall context of an employer’s business.” In *Groff*, a former postal worker sued the Postal Service alleging that it had failed to accommodate his religious practices by progressively disciplining him for not working on Sundays. The District Court entered summary judgment to USPS and the Third Circuit affirmed on the basis that accommodating the postal worker’s religious beliefs by not requiring him to work Sundays would have imposed more than a *de minimis* cost. The Supreme Court did not ultimately decide whether USPS was required to accommodate the former postal worker and remanded to the lower court to make this fact-specific inquiry. However, the Court did caution that the *de minimis* question had been taken out of the context from which it arose in the *Hardison* decision and must not be mechanically applied by employers or courts. Explaining that it was clarifying its earlier decision, the Court in its unanimous decision emphasized that Title VII requires religious accommodations that do not create an undue hardship, and that to show an undue hardship, employers must demonstrate “that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business.”

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