SUPREME COURT CHANGES STANDARD FOR RELIGIOUS ACCOMMODATIONS IN THE WORKPLACE

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The Supreme Court recently decided several high profile cases that garnered significant media attention. However, a less publicized case is an important one affecting the vast majority of employers.

In *Groff v. DeJoy, Postmaster General*, the Supreme Court significantly changed the standard for employees requesting religious accommodations in the workplace. Groff worked as a mail carrier for the U.S. Postal Service in rural Pennsylvania. Groff is an Evangelical Christian who refused to work on Sundays on religious grounds. Although the postal service tried to accommodate him, it was not always able to find Sunday coverage, and Groff was disciplined whenever he was required to work on Sundays but refused.

Groff sued under Title VII of the Civil Rights Act of 1964, which requires employers to accommodate employees' religious beliefs and practices unless doing so would pose an "undue hardship" for the business. Under the old standard for "undue hardship," the trial court dismissed his case noting that employers could deny religious accommodations that caused "more than a de minimus cost" on the business. The court found that Groff's refusal to work on Sundays caused "more than a de minimus" cost because it imposed on his coworkers, disrupted the workplace and workflow, and diminished employee morale.

The Supreme Court disagreed finding that the "more than de minimus cost" standard should not apply. Instead, "undue hardship" only exists when **the burden of granting an accommodation would result in "substantial increased costs" in relation to the conduct of the employer's particular business.** This is a fact-specific inquiry that must take into account all relevant factors, including the particular accommodation at issue and its practical impact in light of the nature, size, and operating cost of the particular

employer. The Court provided a few examples of what would not be considered an undue hardship, including employee animosity to a particular religion, to religion in general, or to the notion of accommodating religious practices in general. The Court also noted "it would not be enough for an employer to conclude that forcing other employees to work overtime would constitute an undue hardship. Consideration of other options, such as voluntary shift swapping, would also be necessary."

Although the Court claimed that it was just "clarifying" what was supposed to be the "undue hardship" standard all along, the reality is that this is a significant change. Therefore, employers should exercise greater caution in responding to religious-based accommodation requests, including schedule changes (like taking the Sabbath off), midday prayer breaks, exemptions from dress codes and grooming policies, and displaying religious symbols in the workplace.

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