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SCOTUS Takes Case That Could Upend Religious Accommodations in the Workplace

Human Resources & Employment

Late last month, the U.S. Supreme Court agreed to hear *Groff v. DeJoy*, a case that could potentially change the legal landscape for employers handling accommodation requests for an employee's religious beliefs and practices under Title VII. In short, it is reasonable to anticipate that this case could make it more difficult for employers to deny religious accommodations.

As background, Gerald Groff was a U.S. Postal Service employee who had requested an accommodation to be excused from working on Sundays due to his religious beliefs. After that accommodation was denied, he sued the U.S. Postal Service. He lost at the trial court, and on appeal the Third Circuit affirmed summary judgment to the employer because it found that other workers would be burdened if Groff was exempted from working on Sundays.

The challenge at the heart of this case is whether the current, minimal standard for determining if a proposed accommodation results in an "undue hardship" to employers under Title VII should be overturned. The current standard provides that an accommodation is an undue hardship if it presents "more than a de minimis cost" to the employer. In addition to arguing to raise that standard, Groff is arguing that an employer may not demonstrate undue hardship by showing that the requested accommodation burdens the employee's coworkers rather than the business itself.

There are several reasons employers should anticipate the Court will raise the undue burden standard for religious accommodations. First, since the Court reached a 6-3 conservative supermajority, the Court has not been shy about taking cases that expand individual religious rights. Second, the Court's decision to hear this case signals there are at least 4 members of the Court who are sympathetic to the employee's claim.

The Court will hear oral arguments in April 2023 and a decision in this case is not anticipated until sometime in June 2023.

If you have any questions about this case or about accommodating an employee's religious belief or practice, please feel free to contact any member of Gould & Ratner's [Human Resources and Employment Law Practice](#).