



RAISING THE BAR: *Groff v. DeJoy* Strengthens Religious Accommodation Rights

IN JUNE 2023, THE U.S. SUPREME COURT'S DECISION in *Groff v. DeJoy* redefined the legal standards governing religious accommodations in the workplace under Title VII of the Civil Rights Act. The decision established that the "undue hardship" standard requires employers to demonstrate more than minimal cost or inconvenience when denying religious accommodation requests. Instead, employers must show that granting the accommodation would impose a significant burden in the context of their specific business operations, thereby making it more difficult for them to deny such requests.

The Pre-Groff Landscape

Before *Groff*, religious accommodations were evaluated under the 1977 case *Trans World Airlines Inc. v. Hardison*, which interpreted "undue hardship" to mean anything more than a "de minimus" cost. That loosely defined standard allowed employers broad discretion to deny religious accommodation requests with minimal justification. For decades, religious accommodations were treated less favorably than disability accommodations under the Americans with Disabilities Act (ADA) which requires a showing of "significant difficulty or expense" for establishing undue hardship.

From "De Minimis" to Substantial

The *Groff* case arose when a U.S. Postal Service employee, and Evangelical Christian, sought exemption from Sunday shifts in order to observe his sabbath. After facing disciplinary action for refusing Sunday assignments, Groff resigned and sued, claiming USPS failed to accommodate his religious practices. Lower courts sided with USPS and rejected his claims under the *Hardison* standard. The Supreme Court, however, reversed the decision, claiming that *Hardison* had been interpreted too narrowly and that undue hardship requires proof of substantial increased costs or significant operational burdens.

Key Takeaways from Groff

The *Groff* decision established the following important legal standards:

- **Substantial burden required.** Employers must show that an accommodation would impose a significant or unjustifiable burden, not simply coworker resentment or administrative inconvenience.
- **Context-specific analysis.** Hardship must be evaluated in relation to the employer's overall operations and resources.
- **Concrete evidence.** Assertions of disruption must be supported by specific, documented proof.

Although the Court did not formally adopt the ADA's exact language, it made clear that the "de minimus" framework was insufficient and that a higher level of scrutiny is required, aligning it more closely with disability accommodation standards.

Post-Groff Trends and Case Studies

As lower courts have applied the new *Groff* standard, some core themes have emerged:

1. **Demand for Quantified Evidence:** Courts now require specific, quantified evidence of costs associated with accommodating religious practices. General claims of inconvenience are no longer sufficient.
2. **Documented Consideration of Alternatives:** Employers must demonstrate they considered and documented alternative accommodations, such as voluntary shift swaps.

Most post-*Groff* cases have focused on grooming rules, dress codes, time-off requests and vaccine mandates. The following examples illustrate how the heightened standard is being applied:

- **Grooming Policies:** In *Hebrew v. Texas Department of Criminal Justice*, unsupported safety concerns were rejected. By contrast, *Smith v. City of Atlantic City* upheld a clean-shaven requirement for firefighters where documented safety risks justified the policy.
- **Time-Off Requests:** In *Taylor v. SEPTA*, a Ramadan scheduling accommodation was deemed feasible, signaling that modest adjustments rarely constitute undue hardship. Similarly, *Johnson v. York Academy* rejected vague, speculative hardship claims.
- **Vaccine Mandates:** In healthcare settings, courts have upheld denials where patient safety risks were well documented, as in *Hall v. Sheppard Pratt Health System*.

EEOC Enforcement and Employer Guidance

Following *Groff*, the Equal Employment Opportunity Commission (EEOC) revised its guidance to reflect the heightened standard. Its renewed focus on religious discrimination enforcement emphasizes the importance of individualized assessments and thorough documentation by employers. To ensure compliance with *Groff*, employers should:

- Carefully document specific costs and operational burdens.
- Engage in meaningful dialogue with employees requesting accommodations.
- Evaluate and document reasonable alternatives.
- Substantiate safety or health-based concerns with objective evidence.

A Fundamental Shift in Workplace Protections

Ultimately, *Groff v. DeJoy* marked a major change in how religious accommodations are handled and a significant strengthening of employee protections for religious expression. By replacing the permissive "de minimis" framework with a substantially higher threshold, the Court has made it more challenging for employers to deny religious accommodations, requiring them now to back up denials with clear, specific evidence of real hardship—not just general claims of inconvenience.

As courts continue to refine the standard and the EEOC intensifies its enforcement, employers should prioritize clear and thorough documentation, context-specific analysis, open engagement with employees and evaluation of reasonable alternatives in order to best comply with the new requirements and avoid legal repercussions. ■

If you would like more information about religious accommodation law and employee protections, contact the NIEDWESKE LAW FIRM, LLC at 908-738-8500 and one of our highly skilled employment attorneys will assist you.