The Work Week

Bassford Remele Employment Practice Group

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Welcome to another edition of *The Work Week with Bassford Remele.* Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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SCOTUS Reframes Religious Accommodations Under Title VII

In a long-awaited and much-anticipated decision last week, the United States Supreme Court changed the law governing religious accommodations in *Groff v. DeJoy*. Petitioner Gerald Groff took a postal-delivery job with the United States Postal Service ("USPS"). Groff is an evangelical Christian who believes Sunday should be dedicated to worship and rest. USPS progressively disciplined Groff for failing to work on Sundays, and Groff eventually resigned. Groff subsequently brought suit under Title VII, alleging that USPS failed to accommodate his religious practice.

The prior standard governing religious accommodations under Title VII was set forth in *Hardison v. Trans World Airlines*. In *Hardison*, the Court stated that "[t]o require TWA to bear more than a *de minimus* cost in order to give Hardison Saturdays off is an undue hardship." This "*de minimus*" standard was subsequently adopted by the EEOC regulations and has governed religious-accommodation law for the past 46 years.

In a unanimous holding, the *Groff* Court determined that the "*de minimus*" language in *Hardison* has been misinterpreted by lower courts for decades and is not the appropriate standard. The Court clarified that the appropriate interpretation of "undue hardship" means "substantial increased costs in relation to the conduct of its particular business." Accordingly, the Court determined that an employer can deny a religious accommodation only if the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business. The Court reasoned that this interpretation of undue hardship comports with both the spirit of *Hardison* and the plain meaning of phrase. The Court remanded the case back to district court for further proceedings under this new standard.

The Court emphasized that the undue-hardship analysis should be a fact-intensive inquiry, but the takeaway for employers is clear: It is now considerably more difficult to deny an employee's religious-accommodation request. An increase in religious-accommodation lawsuits will likely ensue as courts define what sort of accommodations will result in "substantial costs" constituting an undue hardship. In the meantime, employers must abandon the previous *de-minimus*-cost analysis when analyzing a religious-accommodation request and treat these accommodation requests similar to how they handle requests for disability accommodations.

At Bassford Remele, we regularly provide advice and counsel to employers fielding requests for both religious and disability accommodations. Please reach out if ever a need arises.

***The Work Week*: Annual Employment Law Seminar (Thursday, July 20)**

Please join our Bassford Remele employment team for our inaugural *The Work Week*: Annual Employment Law Seminar!

This year's Minnesota legislative session was the most active in recent memory. We'll begin the Seminar by reviewing the new employment laws that were passed this year, including many that take effect over the course of the next few weeks. Next, we'll examine how the legalization of marijuana will impact the workplace. We'll end the substantive portion of the seminar with a panel discussion on the ethical implications of employment investigations, featuring our special guest panelist, Brittany Skemp, Assistant General Counsel at Essentia Health. Finally, we'll conclude with a social reception to enjoy refreshments and each other's company.

Register Here

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