



Office of Congressional Workplace Rights

Office of the General Counsel

RELIGIOUS ACCOMMODATIONS UNDER TITLE VII

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Title VII of the Civil Rights Act of 1964, as applied to the legislative branch through the Congressional Accountability Act of 1995 (CAA), makes it an unlawful employment practice for an employer “to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” The statute defines “religion” to include “all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business.” 42 U.S.C. § 2000e(j).

One common type of claim that employees bring under Title VII alleges that their employer failed to accommodate their religious observance or practice. Typically courts require a plaintiff to show that they had a bona fide religious belief that conflicted with an employment requirement, they informed the employer of this belief, and they experienced an adverse action for failure to comply with the conflicting employment requirement. Employers often counter such claims by arguing that accommodating an employee’s religious observance or practice would cause the employer an “undue hardship.”

Three years ago, in the case of *Groff v. DeJoy*, 600 U.S. 447 (2023), the Supreme Court clarified the standard that employers must meet in order to succeed on the undue hardship defense. Since then, federal courts of appeals across the country have applied the *Groff* standard in a variety of religious accommodation cases. In this outline we discuss recent case law regarding religious accommodations, focusing primarily on how courts determine whether an employee has adequately pled or demonstrated a sincerely held religious belief and on how courts have applied the *Groff* standard to analyze whether employers have sufficiently demonstrated undue hardship.

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Groff v. DeJoy

In *Groff v. DeJoy*, the Supreme Court unanimously reinterpreted the undue hardship defense available to employers under Title VII’s religious accommodation requirement. The Court held that an employer seeking to deny a religious accommodation must show that granting the accommodation “would result in substantial increased costs in relation to the conduct of its particular business.” 600 U.S. at 470. In doing so, the Court repudiated the widely-applied “de minimis” standard that lower courts had derived from *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977), significantly raising the bar for employers seeking to avoid religious accommodation obligations under Title VII.

Title VII of the Civil Rights Act of 1964, as amended, requires employers to “reasonably accommodate” an employee’s or prospective employee’s religious observance or practice unless doing so would cause “undue hardship on the conduct of the employer’s business.” 42 U.S.C. § 2000e(j). For decades following *Hardison*, lower courts interpreted that decision as establishing that any accommodation imposing more than a de minimis cost on an employer satisfied the undue hardship defense. This reading became so entrenched that it was applied across virtually every circuit to deny religious accommodations at a relatively low threshold. 600 U.S. at 465.

Gerald Groff, an Evangelical Christian who observed Sunday as a day of rest and worship, worked as a mail carrier for the United States Postal Service. *Id.* at 454. When USPS began facilitating Sunday Amazon deliveries, Groff refused to work Sundays on religious grounds. USPS redistributed his Sunday shifts to coworkers and subjected Groff to progressive discipline. Groff eventually resigned and brought suit under Title VII. The Third Circuit affirmed summary judgment for USPS under the then-prevailing de minimis standard.

The Supreme Court, in a unanimous opinion authored by Justice Alito, began with the text of section 2000e(j). The Court reasoned that the word “hardship,” standing alone, “refers to, at a minimum, ‘something hard to bear’” and “suggests something more severe than a mere burden.” 600 U.S. at 468-69. The modifier “undue” compounds that severity, requiring that the burden “rise to an ‘excessive’ or ‘unjustifiable’ level.” *Id.* at 469. Taken together, the statutory phrase “undue hardship” demands something considerably more than the low cost implied by a de minimis standard. *Id.*

The Court also analyzed *Hardison* itself and concluded that the de minimis gloss had been misread into that decision. *Hardison* “cannot be reduced to that one phrase.” *Id.* at 469. The *Hardison* opinion had repeatedly described the relevant burden as “substantial,” and the Court in *Groff* held that formulation to be the more accurate distillation of what the earlier case actually required.

The Court also clarified two important limiting principles. First, impacts on coworkers are not independently sufficient to establish undue hardship; they are relevant only to the extent they “go on to affect the conduct of the business,” and a court must determine whether that further logical step is demonstrated. 600 U.S. at 472. Second, hostility from coworkers toward a particular religion, religion generally, or the notion of accommodation itself cannot supply the basis for an undue hardship defense. “Bias or hostility to a religious practice or accommodation cannot supply a defense.” *Id.*

Groff reinforced that the employer’s obligation under Title VII is to “reasonably accommodate” the employee’s religious practice, not merely to evaluate whether one particular proposed accommodation is reasonable. An employer confronting a scheduling conflict, for example, “must do more than conclude that forcing other employees to work overtime would constitute an undue hardship. Consideration of other options would also be necessary.”

Importantly, the Court described the question of whether a burden is substantial in the overall context of an employer’s business as a “fact-specific inquiry.” 600 U.S. at 468.

Having thus clarified the standard, the Court vacated the Third Circuit’s judgment and remanded for application of the corrected test.

Sincerely Held Religious Belief

Before courts reach the question of whether an employer has satisfied the standard for showing undue hardship, they must determine whether the plaintiff has adequately alleged or demonstrated that their claim involves a “sincerely held religious belief” – i.e., what a plaintiff must plead to survive a motion to dismiss or what evidence they must produce to establish a *prima facie* case at the summary judgment stage in order to fall under Title VII’s protection against religious discrimination.

Plaintiffs who pled or demonstrated sincerely held religious beliefs

- *Thornton v. Ipsen Biopharmaceuticals, Inc.*, 126 F.4th 76 (1st Cir. 2025) – Regina Thornton sued after Ipsen’s denial of her request for a religious exemption from its COVID-19 vaccination requirement resulted in her termination. The district court dismissed her religious accommodation claim, finding that what she alleged was a sincerely held religious belief that prevented her from getting the COVID vaccine was instead “merely a personal belief or isolated teaching.” The First Circuit disagreed. Thornton’s allegations included things such as that she follows God’s word by praying, and after praying and listening to the guidance of the Holy Spirit, it would violate her sincerely held religious beliefs and jeopardize her soul and eternal salvation to go against God by receiving the vaccine. The court held that “she has plausibly alleged that her belief that the vaccine would defile her body is not an ‘isolated moral teaching,’ but rather is part of a ‘comprehensive system of beliefs about fundamental or ultimate matters’[.]”

- *Bazinet v. Beth Israel Lahey Health, Inc.*, 113 F.4th 9 (1st Cir. 2024) – A hospital employee sued after her employer’s denial of her request for a religious exemption from its COVID-19 vaccination requirement resulted in her termination. The district court dismissed her religious accommodation claim, holding in part that she failed to allege she had a sincerely held religious belief that prevented her from getting the COVID vaccine. The First Circuit vacated and remanded. In her accommodation request, Bazinet stated her understanding that presently available COVID-19 vaccines were developed using fetal cell lines that originated from aborted fetuses, and that taking the vaccine would make her complicit in the performance of abortions which would be “an aberration to [her] Christian faith.” The hospital argued that this was not sufficiently religious because many Christians who oppose abortions still receive vaccines. The First Circuit rejected this argument, noting that “the fact that many Christians have elected to receive the vaccine does not undermine a particular employee’s religious beliefs on the subject. The law does not require that a religious practice or belief at issue be acceptable, logical, consistent, or comprehensible to others.” (internal citations omitted) The court also rejected the hospital’s argument that Bazinet was mistaken in believing that the COVID-19 vaccines were developed from tissue obtained from aborted fetuses: “That the Hospital disputes Bazinet’s factual foundation for her belief about the development of the vaccines does not change the religious character of the belief.”
- *Gardner-Alfred v. Fed. Rsrv. Bank of N.Y.*, 143 F.4th 51 (2d Cir. 2025) – Two employees of the Federal Reserve, Lori Gardner-Alfred and Jeanette Diaz, were denied religious exemptions from their employer’s COVID-19 vaccination policy, and were subsequently fired for refusing to comply with the policy. They sued, alleging among other things that the Federal Reserve discriminated against them based on their religious beliefs in violation of Title VII. Diaz claimed that as a Catholic she could not receive a vaccine derived from, manufactured with, or produced with aborted fetal cell lines; Gardner-Alfred asserted that as a member of the Temple of the Healing Spirit, whose services she claimed to attend virtually, she opposes Western medicine and prefers a “holistic” and “organic” approach to healing. The district court granted summary judgment to the employer, finding that neither plaintiff had established that her objection to the vaccine was based on a sincerely held religious belief. The Second Circuit upheld summary judgment with respect to Gardner-Alfred, whose deposition testimony and other evidence regarding her alleged religious participation was “so wholly contradictory, incomplete, and incredible that no reasonable jury could accept her professed beliefs as sincerely held.”

However, the court held that genuine issues of material fact existed with respect to Diaz’s claims. The Federal Reserve offered evidence that “certainly impeaches Diaz’s credibility, and might persuade a factfinder to reject her claim that her objection to vaccination was sincerely rooted in religious belief,” including evidence that she may have acted inconsistently with her religious beliefs by taking medications without first checking if they were made using aborted fetal cell lines. But, the court concluded that this evidence would not “*preclude* a reasonable jury from crediting Diaz’s contrary testimony about her religious beliefs.” (emphasis in original)

Additionally, it noted that, although the vaccines at issue did not contain stem cells, the

district court “impermissibly narrowed the scope of Diaz’s religious objection” by concluding that Diaz’s objection to the vaccine policy was based on a mistaken understanding of the use of aborted fetal cell lines in mRNA COVID vaccines. “Drawing all permissible inferences in her favor, as the court must at summary judgment, her objection could easily be construed to include vaccines that were tested or developed using aborted fetal cells, even if such cells were not present in, or used to manufacture, the particular dose with which Diaz would be injected. ... A jury could quite plausibly conclude that such a view comports with an ordinary person’s understanding of what it means to manufacture, produce, or derive a vaccine.” Moreover, the district court “assessed the objective validity of Diaz’s belief that her religious objections extended to receiving the Covid-19 vaccine” even though courts are not allowed to ask whether a particular belief is appropriate or true, only whether it is a sincerely held religious belief.

- *Bube v. Aspirus Hosp., Inc.*, 108 F.4th 1017 (7th Cir. 2024) – Two nurses sued after being denied religious exemptions from their employer’s vaccine mandate and subsequently terminated. One plaintiff stated in her request that she is a “baptized and a practicing Catholic” and was “following my conscience of refusing the Covid vaccine at this time,” and then followed up with a further explanation that she tries to “eat healthy” and “remain active” to “keep my God-given mind, body, and soul healthy” and that, given her safety concerns about the vaccine, receiving it “would be going against what God has intended for me.” The other plaintiff stated that God created her perfectly, made her in his image, and gave her life, and so “I trust in God completely and cannot accept this vaccine in my body.” The district court dismissed their claims on the basis that they did not tie their general statements about God and their bodies to a particular religious belief or practice that would be inconsistent with taking the vaccine. However, the Seventh Circuit disagreed, explaining that “Scrutinizing the composition of these requests—especially at the pleading stage—runs counter to not only the broad language of Title VII but also the Supreme Court’s repeated warnings that the law requires a hands-off approach when it comes to defining and discerning the core limits of religious exercise.” Cautioning that “courts should avoid putting themselves in the impossible position of trying to define religious legitimacy and view-point sufficiency,” the Seventh Circuit reversed and remanded the district court’s dismissal.
- *Passarella v. Aspirus, Inc.*, 108 F.4th 1005 (7th Cir. 2024) – Two healthcare employees sought religious exemptions from their employer’s COVID-19 vaccination requirement, citing both religious and safety-related objections. The plaintiffs invoked God and religious-based reasoning, but also mentioned non-religious concerns such as potential side effects and long term health consequences. The district court dismissed the complaint, concluding that the plaintiffs’ objections were based on “medical judgment rather than religious conviction,” and that neither plaintiff had articulated any religious belief that would have prevented them from receiving the vaccine if they had believed it was safe. The district court went on to say that “the use of religious vocabulary does not elevate a personal medical judgment to a matter of protected religion.”

The Seventh Circuit reversed, explaining that analyzing whether a plaintiff has plausibly alleged a sincerely held religious belief “is not amenable to formulaic resolution like solving a math equation. To the contrary, its application requires a holistic assessment of

the terms of the employee’s exemption request, with the controlling inquiry at the pleading stage being whether the employee plausibly based her vaccination exemption request at least in part on an aspect of her religious belief or practice.” In this case, the plaintiffs objected to the vaccine on multiple grounds, some religious and some not, but that did not doom their claim, because “An employee may object to an employer’s vaccine mandate on both religious and non-religious grounds—for example, on the view that receiving the vaccine would violate a religious belief *and* implicate health and safety concerns. Congress permitted this, as we see no other way to give effect to the breadth of its definition of ‘religion’—as covering ‘all aspects’ of an employee’s religious observance, practice, and belief.” (emphasis in original)

- *Ringhofer v. Mayo Clinic, Ambulance*, 102 F.4th 894 (8th Cir. 2024) – Several Mayo Clinic employees were denied religious exemptions from the COVID-19 vaccine requirement and sued for failure to accommodate their religious beliefs. The district court granted Mayo’s motion to dismiss for, among other reasons, failure to connect their objections to the vaccine to a sincerely held religious belief. The Eighth Circuit reversed and remanded, holding that it was error for the district court to reject these allegations at the pleading stage. Among other things, “The district court erred by emphasizing that many Christians elect to receive the vaccine. This does not defeat the plaintiffs’ beliefs. ... [B]eliefs do not have to be uniform across all members of a religion or ‘acceptable, logical, consistent, or comprehensible to others.’ ... By connecting their objection to testing to specific religious principles (Rubin’s belief that ‘her body is a temple’ and Ihde’s belief that testing in this case may be ‘the equivalent of committing idolatry’), they have satisfied their burden at this stage.” (quoting *Thomas v. Review Bd. Of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981)).
- *Brokken v. Hennepin Cnty.*, 140 F.4th 445 (8th Cir. 2025) – A county employee sued under Title VII based on her employer’s denial of her request for a religious exemption from its COVID vaccination and testing mandate, which she alleged led her to resign under duress. The district court granted the county’s motion to dismiss her claim, ruling that she failed to plead a sincerely held religious belief that conflicted with the vaccination and testing requirement, but the Eighth Circuit reversed. Although she did not claim to be a member of a specific religion, she alleged that she had “deeply held and sincere spiritual beliefs that include the sanctity of her right to privacy, personal autonomy, and bodily integrity. Her beliefs are comprehensive and order her life like a religion orders the lives of people who believe in God and traditional religions.” She also alleged that, among other things, she believed that she must treat her body as a temple and that her “firmly held beliefs in the energetic connectedness of the universe” prevented her from receiving the COVID-19 vaccine. Nor would her religious beliefs allow her to submit to testing, because those beliefs “do not allow her to provide her DNA or other biological materials by force or coercion. The use and possession of her biological materials has been granted to her by her Creator.” The court held that Brokken’s complaint did indeed connect her objections to specific religious principles, citing *Ringhofer*, *supra*, for the principle that “Beliefs do not have to be uniform across all members of a religion or ‘acceptable, logical, consistent, or comprehensible to others.’” Brokken’s allegations thus were sufficient to satisfy her burden at the pleading stage.

- *Kalejaiye v. Quality Investigations, Inc.*, No. CV 19-02647 (RC), 2024 WL 1213322 (D.D.C. Mar. 21, 2024) – Security officer Abayomi Kalejaiye sued his employer, Quality Investigations, Inc. (QI), alleging Title VII religious accommodation violations after QI refused to allow him to grow a beard beyond the length permitted by its grooming policy while he was assigned to work at a Department of Transportation facility. In support of its motion for summary judgment, QI argued (among other things) that Kalejaiye had failed to make out a prima facie case because his religious belief about growing his beard was not sincerely held, based on the fact that he had cut his beard in the past. The court found this argument unpersuasive, explaining that “The fact that Kalejaiye may have cut his beard in the past does not refute that his religious beliefs prohibited him from shaving while employed with QI.” The court pointed out that “[R]eligious belief need not be consistent or rational to be protected under Title VII, and an assertion of a sincere religious belief is generally accepted” (quoting *Keene v. City & Cnty. of San Francisco*, No. 22-16567, 2023 WL 3451687, at *2 (9th Cir. May 15, 2023)) and also that “[A] sincere religious believer doesn’t forfeit his religious rights merely because he is not scrupulous in his observance; for where would religion be without its backsliders, penitents, and prodigal sons?” (quoting *Singh v. Holder*, 720 F.3d 635, 644 (7th Cir. 2013) (internal citation omitted)). (This case is also discussed in the undue hardship section of this outline.)

Plaintiffs who did not successfully plead or demonstrate sincerely held religious beliefs

- *McDowell v. Bayhealth Med. Ctr., Inc.*, No. 24-1157, 2024 WL 4799870 (3d Cir. Nov. 15, 2024), *cert. denied sub nom. Harvey v. Bayhealth Med. Ctr., Inc.*, 145 S. Ct. 2848 (2025) – Plaintiffs were Bayhealth employees who sued after they were denied religious exemptions from Bayhealth’s COVID vaccine requirement. The Third Circuit affirmed dismissal of their claims, agreeing with the district court that “despite Plaintiffs’ generalized references to scripture, their concerns were medical, scientific, personal, or secular in nature, rather than religious.” According to the plaintiffs, receiving the vaccine would violate their faith’s teaching that their bodies are God’s temples. In determining whether their beliefs were religious or personal, secular, or medical, the court summarized their views as “taking the vaccine would violate scripture because they believe [it] is unsafe, toxic, or harmful.” The court held that they did not plausibly allege a sufficient nexus between their religious beliefs and their objections to the vaccine. The court also noted that “concluding that Plaintiffs state a claim by broadly invoking an overarching religious belief without directly connecting that religious belief to the objected-to employment term would impermissibly cloak with religious significance a fundamentally secular objection to an employment term, and thereby create a ‘blanket privilege’ whenever an employee invokes scripture.” (cleaned up)
- *Bowlin v. Bd. of Dirs., Judah Christian Sch.*, 167 F.4th 469 (7th Cir. 2026) – The plaintiffs, three grade school employees, refused COVID-19 vaccines because of their religious beliefs, then rejected weekly testing as an accommodation because it violated their “moral consciences,” and subsequently were either terminated or placed on unpaid leave. The district court granted the school’s motion to dismiss, and the Seventh Circuit affirmed. The court held that the plaintiffs failed to identify a sincerely held religious belief that would be violated by weekly testing, claiming only that it would go against

their “moral consciences” to “submit[] to health care procedures which they, competent adults, do not believe are medically necessary”; the court held that they did not identify a belief or practice the testing would violate and therefore failed to allege facts plausibly permitting an inference that the testing would violate a sincerely held religious belief. (This case is also discussed in the undue hardship section of this outline.)

Undue Hardship

As discussed above, the Supreme Court in *Groff* made clear that an accommodation results in an undue hardship “when a burden is substantial in the overall context of an employer’s business” and that this is a “fact-specific inquiry.” Employers may make this showing in many different ways, and the burden does not necessarily need to be financial in nature. As discussed in the case summaries below, hardship can be shown in many forms, including operational burdens, harm to the community, and forcing the employer to violate the law, among others.

Financial costs

- *Russo v. Patchogue-Medford Sch. Dist.*, 129 F.4th 182 (2d Cir. 2025) – A school psychologist was denied a religious exemption from the COVID-19 vaccine, and was subsequently denied a remote work accommodation. She sued under several laws, including Title VII. The district court granted summary judgment for the school district, and the Second Circuit affirmed. The school district did not violate Title VII by denying the exemption, because granting such an exemption or accommodation would have resulted in undue financial hardship. Granting an exemption would have been a violation of New York’s vaccine-or-testing mandate, which would have exposed the school district to potential penalties; regarding the remote-work accommodation, the school district carried its burden to show that hiring someone to cover the plaintiff’s in-person duties, as it had during a leave of absence at a prorated salary of \$68,030, would have caused it to incur significant expenses.
- *Bordeaux v. Lions Gate Ent., Inc.*, No. 23-4340, 2025 WL 655065 (9th Cir. Feb. 28, 2025) – Plaintiff Andrea Bordeaux was an actress on the TV series *Run the World*. During the filming of the show’s second season in the spring of 2022, the production company had certain COVID-19 protocols in place, in accordance with union agreements and federal, state, and local health guidelines. One of those was a vaccination requirement, for which Bordeaux requested a blanket exemption on religious grounds. That exemption was denied, and she sued for religious discrimination, but the district court granted summary judgment for the employer, and the Ninth Circuit affirmed. The employer demonstrated that if it allowed Bordeaux to work while unvaccinated and she had close contact with anyone who tested positive for the virus, this would cause a large financial loss that constituted undue hardship: applicable COVID protocols would require a 10-day production shutdown, costing an estimated \$1.5 to \$3 million, and multiple shutdowns could lead to a permanent shutdown of production. (This case is also discussed below in the section on real vs. hypothetical risk.)

Non-financial costs

- *Bushra v. Main Line Health, Inc.*, No. 24-1117, 2025 WL 1078135 (3d Cir. Apr. 10, 2025) – Dr. Bushra, an emergency department physician, sued after MLH denied his request for an exemption from its vaccination policy and then suspended him. The Third Circuit affirmed the district court’s grant of summary judgment to MLH. It held that MLH had established undue hardship since Dr. Bushra’s increased risk of transmitting COVID posed a health risk to patients and staff, and the spread of COVID at the hospital would compromise MLH’s mission and ability to care for sick patients.
- *Hebrew v. Tex. Dep’t of Crim. Just.*, 80 F.4th 717 (5th Cir. 2023) – The plaintiff, a follower of the Hebrew Nation religion, had taken a Nazarite vow to keep his hair and beard long, and had maintained that vow for over two decades. He was hired by the Texas Department of Criminal Justice and reported to their training academy, where he was told he would have to cut his hair and shave his beard in compliance with the employer’s grooming policy. He requested a religious accommodation, but was forced to leave the training academy without pay for two months while that request was pending, and the employer ultimately denied the request.

The district court found in favor of the employer on plaintiff’s failure to accommodate and religious discrimination claims, agreeing with the employer’s argument that it would cause undue hardship because coworkers would have to “perform extra work to accommodate” the plaintiff’s religious practice. However, the Fifth Circuit reversed. With respect to the failure to accommodate claim, the court applied the standard from *Groff v. DeJoy* and held that the employer was unable to show that undue hardship would result from accommodating Hebrew’s long hair and beard. The employer could not demonstrate any cost it would incur, let alone substantial costs. Its reference to possible additional work for plaintiff’s coworkers who would have to search him upon entry was insufficient to show an undue hardship. Moreover, the record evidence undermined some of the other bases for the employer’s undue hardship arguments: its assertion that an inmate could use Hebrew’s long hair to overpower him in a fight was belied by the fact that female officers were allowed to wear their hair long, and its purported concern over Hebrew’s long beard interfering with the seal on a gas mask was contradicted by the fact that shorter beards were permitted, because facial hair of *any* length can potentially interfere with a gas mask seal. Finally, the employer also did not present any evidence that it had considered other possible accommodations; it had simply rejected Hebrew’s requested accommodation without considering any alternatives, which employers must do under *Groff*.

- *Hall v. Sheppard Pratt Health Sys., Inc.*, 155 F.4th 747 (4th Cir. 2025) – Plaintiff worked as the admissions coordinator of a Center for Eating Disorders. In 2021, the Center required all employees to be vaccinated. Plaintiff refused, citing a religious objection. The Center met with her to determine whether she could work remotely or without in-person interaction. When they determined she could not, they told her there was no accommodation available and that she had the option to apply for remote jobs at the Center. She did not apply to other jobs and was fired.

Emphasizing that “undue hardship can come from ‘[b]oth economic and non-economic costs’ that the employer would incur if it granted the religious accommodation” (internal citation omitted), the Court rejected Hall’s appeal. The Center’s concern about Pratt’s likelihood of exposing patients was understandable: evidence showed that during prior COVID outbreaks, the Center went into lockdown, which cut patients off from “sorely needed social time, leading to social isolation that is especially harmful to patients with eating disorders.” While this safety risk “is independently a cognizable undue hardship,” the Center “also suffered direct financial harm when it was forced to replace ill workers with more expensive temporary hires[.]”

- *Carter v. Local 556, Transp. Workers Union of Am.*, 156 F.4th 459 (5th Cir. 2025) – Plaintiff Charlene Carter, a Southwest Airlines flight attendant, was vocally opposed to her union’s pro-choice politics. After the union president posted pictures online of herself attending the Women’s March in January 2017, Carter sent her a series of Facebook messages, including graphic images of an aborted fetus, in which Carter threatened the union president with a recall vote. Carter also posted the images on her own Facebook page, along with messages that the union leadership was supporting murder by attending the pro-choice Women’s March.

The union president reported the messages to Southwest management. Southwest conducted an investigation, during which Carter explained that she was a pro-life Christian trying to spread the word about an issue that was important to her. Based on the investigation, Southwest fired Carter for “harassing and inappropriate messages” to a Southwest employee, in violation of the company’s Bullying, Hazing, and Social Media policies. Carter filed a grievance and lost at arbitration, then sued both the airline and the union in federal court. Among her various causes of action was a failure to accommodate claim under Title VII, relying on a theory that sharing her views was a religious practice in service of her sincerely held religious beliefs concerning abortion, and that Southwest should have accommodated her by allowing this practice even if it conflicted with the company’s social media policies.

At trial, which took place prior to the *Groff* decision, the jury decided that Southwest failed to accommodate Carter’s religious practice when it terminated her. The court instructed the jury “[a]n undue hardship means more than a de minimis cost on the conduct of the employer’s business either in terms of financial costs or disruption of the business”; Southwest argued that it suffered undue hardship in the form of lowered employee morale as a result of Carter’s posts, but the jury did not find this argument persuasive. Southwest appealed, arguing that the company should have another chance to make its undue hardship case after *Groff*. The Fifth Circuit affirmed the district court – the undue hardship standard articulated by the lower court was lower than the newer standard, so if Southwest couldn’t meet the pre-*Groff* standard, it couldn’t meet the post-*Groff* one either.

- *Henry v. S. Ohio Med. Ctr.*, 155 F.4th 620 (6th Cir. 2025) – Plaintiff, a licensed practical nurse at a hospital, requested as a religious accommodation that the employer’s mandatory COVID-19 tests be taken via saliva instead of nasal swab. The employer had access to saliva tests but refused the accommodation because it took 48 hours to get

results, whereas nasal swabs were almost immediate. Plaintiff offered no evidence rebutting this, arguing only that the delay did not pose an undue hardship. The court found for the employer, concluding that testing for COVID via saliva instead of nasal swab would constitute an undue hardship because it “unmistakably compromises [the employer’s] mission to serve the community and keep it safe” by more than doubling the time it takes to determine whether the plaintiff is positive for the virus.

- *Kluge v. Brownsburg Cmty. Sch. Corp.*, 150 F.4th 792 (7th Cir. 2025), *reh’g denied*, No. 24-1942, 2025 WL 2848017 (7th Cir. Oct. 7, 2025) – In a pre-*Groff* decision, the Seventh Circuit had held that accommodating a music teacher’s religious beliefs by allowing him to violate the school’s policy for addressing transgender students would be an undue hardship, but the court subsequently vacated and remanded in light of the Supreme Court’s decision in *Groff*. On remand, the district court again granted summary judgment to the school district even under *Groff*’s heightened standard, concluding that the school district’s business was to educate all students, which required fostering a safe and inclusive environment for all students, and that allowing Kluge to violate the policy caused harm to the transgender students in his class, upset others, and was likely to lead to further harm as other transgender students entered his class. The district court also referenced the risk of the school district being found in violation of Title IX if it allowed Kluge’s accommodation.

This time the Seventh Circuit reversed the district court’s grant of summary judgment for the school district. Noting that “The legal landscape has changed markedly under *Groff*” – from the previous standard that anything causing more than a de minimis cost to the employer constituted an undue hardship, to the clarification in *Groff* that to establish an undue hardship the employer must show that a religious accommodation would result in “substantial increased costs in relation to the conduct of its particular business” – the court reassessed the evidence regarding the alleged harm to the school district’s business of fostering a safe and inclusive environment for students. It determined that genuine issues of material fact existed as to whether the students’ distress was caused by the religious accommodation at issue – namely, that Kluge be allowed to call all students by their last names – and that this would be a question for a jury to decide. Fact questions also existed as to whether any such distress was objectively reasonable and whether the accommodation disrupted the learning environment – i.e., that it affected students’ ability to learn or teachers’ ability to teach. Finally, the evidence in the record did not support a conclusion that transgender students were being treated worse than cisgender students, such that the school could be subjected to Title IX liability.

Notably, the court distinguished between religious accommodation claims and other types of claims under Title VII, explaining that, unlike other types of discrimination claims where the plaintiff bears the burden of showing discriminatory intent, such that an employer’s mistaken but good-faith belief in its reason for taking an employment action may defeat a plaintiff’s claim, in a religious accommodation claim the burden is on the *employer* to demonstrate undue hardship resulting from an accommodation. In other words, in a religious accommodation case it is not enough for an employer to show that it had a mistaken but good-faith belief that the religious accommodation would cause undue hardship.

- *Williams v. Legacy Health*, 174 F.4th 1201 (9th Cir. 2026) – Plaintiffs were employees of a medical center whose roles all involved close contact with either patients or other staff. In response to the onset of the Delta variant of COVID-19, the employer instituted a vaccination policy requiring anyone who performed services at its hospitals to become fully vaccinated or receive an exemption; plaintiffs all applied for religious exemptions but those requests were denied. One became vaccinated and returned to work, and the others were terminated. The court assessed the evidence and concluded that the employer had demonstrated realistic concerns threatening a substantial burden on its business of providing quality healthcare: the risk of staff absenteeism and the transmission risk to patients could cause a significant strain on the employer’s services, and the court pointed out that undue hardship need not be financial in nature in order to satisfy the *Groff* standard: “It is true, as Employees point out, that Legacy did not assert that vaccine exemptions would cause prohibitive financial hardship. But while that type of hardship may be sufficient, it is not necessary. Health and safety costs matter, too. And in the context of Legacy’s particular business, they make all the difference.” (internal quotations and citations omitted)
- *Kalejaiye v. Quality Investigations, Inc.*, No. CV 19-02647 (RC), 2024 WL 1213322 (D.D.C. Mar. 21, 2024) – Security officer Abayomi Kalejaiye sued his employer, Quality Investigations, Inc. (QI), alleging Title VII religious accommodation violations after QI refused to allow him to grow a beard beyond the length permitted by its grooming policy while he was assigned to work at a Department of Transportation facility. QI asserted that the policy related to gas mask safety requirements and that DOT would not approve an exception. The court found Kalejaiye produced sufficient evidence to make out a prima facie case, including that he requested an accommodation based on a sincerely held religious belief and suffered an adverse action when he would not comply. On the issue of undue hardship, the court, citing *Groff*’s “substantial burden” standard, held that summary judgment was inappropriate because there were genuine disputes of material fact, including who was responsible for approving or denying the accommodation (QI vs. DOT) – which was relevant to the employer’s assertion that it would risk violating its government contract, thereby creating an undue hardship – and whether alternatives such as reassignment or transfer could have accommodated Kalejaiye without imposing an undue hardship. (This case is also discussed in the section of this outline concerning sincerely held religious beliefs.)

Accommodation would violate the law

- *Russo v. Patchogue-Medford Sch. Dist.*, 129 F.4th 182 (2d Cir. 2025) – As discussed above, one aspect of the school district’s successful undue hardship defense was that granting the school psychologist’s requested religious exemption from the vaccine-or-testing mandate would have violated New York law, exposing the school district to potential penalties.
- *Lowe v. Mills*, 68 F.4th 706 (1st Cir. 2023), *cert. denied*, 144 S. Ct. 345 (2023) – Seven Maine healthcare workers sued after they were denied vaccine exemptions by their employers and subsequently terminated. The First Circuit affirmed the district court’s dismissal of their claims. Had the employers granted the accommodation requests, they

would have been in violation of the state mandate requiring healthcare workers to be vaccinated against COVID. Violation of the mandate carried consequences including fines, but the court focused on the consequence of license suspension: “indeed, it is difficult to imagine a penalty that would cause a healthcare provider more significant difficulty in the conduct of its business than license suspension.” (cleaned up) Though this decision was published before *Groff* was decided, the court wrote: “We are aware that the Supreme Court has heard argument in a case in which the petitioner asks it to reconsider the more-than-de-minimis-cost interpretation of ‘undue hardship,’ but our holding is not dependent on that formulation of the legal standard. Rather, we hold that the plaintiffs’ requested accommodation would have constituted an undue hardship under any plausible interpretation of the statutory text.” (citation omitted).

- *Bowlin v. Bd. of Dirs., Judah Christian Sch.*, 167 F.4th 469 (7th Cir. 2026) – The plaintiffs, three grade school employees, refused COVID-19 vaccines because of their religious beliefs, then rejected weekly testing as an accommodation because it violated their “moral consciences,” and subsequently were either terminated or placed on unpaid leave. The district court granted the school’s motion to dismiss, and the Seventh Circuit affirmed.

As discussed above in the section on sincerely held religious beliefs, the plaintiffs failed to identify a sincerely held religious belief that weekly testing would violate, claiming only that it would go against their “moral consciences” to “submit[] to health care procedures which they, competent adults, do not believe are medically necessary.” Even if they had adequately alleged a violation of their religious beliefs, however, their claim would still fail “because the accommodation they request would require Defendants to violate the law, thereby imposing upon them an undue hardship” under *Groff*; there was an executive order in place signed by the Governor of Illinois requiring either vaccination or testing for school personnel, and therefore “allowing Plaintiffs to continue working in the schools would force Defendants to contravene their legal obligations, something Title VII does not require.”

- *Bolonchuk v. Cherry Creek Nursing Ctr./Nexion Health*, No. 23-1320, 2024 WL 4892128 (10th Cir. Nov. 26, 2024) – Nursing center employee Diann Bolonchuk sought a religious exemption from her employer’s COVID-19 vaccination requirement, asking to remain unvaccinated and instead continue testing for COVID testing and taking other precautions before entering the facility. The employer denied the request, citing undue hardship based on safety concerns and arguing that accommodating her would effectively require violating Colorado’s then-effective vaccine mandate for healthcare facilities, and subsequently terminated her for noncompliance.

The Tenth Circuit held the case could not be dismissed on undue hardship grounds at the pleading stage because the Colorado mandate expressly contemplated religious exemptions, and required facilities to have criteria for granting or denying exemptions, and policies for implementing testing and masking for unvaccinated individuals. In light of these provisions, it was not clear from the pleadings alone, without a developed record, whether the employer would have violated state law by accommodating Bolonchuk; factual development was also needed to determine whether or not accommodating her

would impose an undue hardship. The court therefore reversed the dismissal of the Title VII religious accommodation claim and remanded.

Real vs. hypothetical risk

- *Rodrique v. Hearst Commc'ns, Inc.*, 126 F.4th 85 (1st Cir. 2025) – A TV news photographer sued after Hearst denied his request for a religious exemption from the company's COVID-19 vaccination requirement and then terminated him for refusing to receive the vaccine. The district court granted summary judgment for Hearst, which asserted that undue hardship would result from expenses such as maintaining a separate crew vehicle, including thousands of dollars in fuel and other costs, as well as paying for his weekly testing in lieu of receiving the vaccine. On appeal, Rodrique did not dispute that Hearst's claimed burdens and expenses would be substantial. Instead, he argued that Hearst needed to show, through expert testimony, that the vaccine actually protects against COVID transmission. "As Rodrique frames the issue, if the vaccine does not reduce the likelihood of COVID-19 transmission – as opposed to merely mitigating symptoms, for example – then Hearst suffers no undue hardship by granting him an exemption." The First Circuit disagreed: "Because the record demonstrates that Hearst relied on the objective, scientific information available to it, with particular attention to the views of public health authorities, we hold that it acted reasonably when it determined that vaccinated employees are less likely to transmit COVID-19 than unvaccinated employees." (cleaned up) It affirmed the grant of summary judgment for Hearst.
- *Melino v. Boston Med. Ctr.*, 127 F.4th 391 (1st Cir. 2025) – A nurse sued after her employer, BMC, denied her request for a religious exemption from its COVID-19 vaccination requirement, and subsequently terminated her when she refused to become vaccinated. BMC argued that allowing her to work while unvaccinated would pose an undue hardship because of the increased risk that she would transmit COVID to patients and other staff. She did not dispute that BMC could show undue hardship "if the vaccines worked[,]” but argued that “the onus should have been on BMC to prove that the products advertised as COVID-19 vaccines actually function as vaccines so as to prevent recipients from catching and spreading COVID-19.” (cleaned up) The First Circuit affirmed the district court's grant of summary judgment to BMC, holding that it could establish undue hardship since it had “implemented its vaccine requirement based on the CDC's recommendations, which describe vaccines as mitigating the effects and spread of COVID-19[,]” and no record evidence contradicted BMC's position.
- *Smith v. City of Atl. City*, 138 F.4th 759 (3d Cir. 2025) – Atlantic City firefighter Alexander Smith sued after the fire department denied his request for a religious accommodation to grow a beard, out of concern that the self-contained breathing apparatus (SCBA) masks firefighters wear do not seal properly if the wearer has a beard or goatee. The Third Circuit vacated the lower court's grant of summary judgment for the city as to Smith's Title VII accommodation claim, holding that the city had failed to demonstrate that allowing him to grow a beard would be an undue hardship. Given that Smith's position in the department very rarely required him to engage in actual firefighting, there was a “vanishingly small risk” he would ever need to wear an SCBA mask, and no other employees were requesting similar accommodations, so it was very

unlikely the fire department would be unable to respond safely to an emergency. In fact, on the single occasion Smith was ordered to report to fight a fire over the course of several years, the city had breached several layers of protocol by ordering him to report, and the emergency did not even require an SCBA. The court explained that, “No doubt, the City has an interest in preserving employee safety. Yet mere recitation of an interest does not establish undue hardship.”

The court also noted that there is no “good faith” exception to the requirement that an employer accommodate an employee’s religious practice absent undue hardship. The district court had improperly concluded that because the city made a good-faith effort to reasonably accommodate Smith, it was not liable regardless of undue hardship.

- *Naylor v. Cnty. of Muscatine, Iowa*, 151 F.4th 973 (8th Cir. 2025) – Dean Naylor, a jail administrator for the county sheriff’s office, posted a document and several videos to a public YouTube channel, sharing what the court described as “his post-tribulation Rapture beliefs, including his predictions for an impending world war that he asserted the Muslim people would perpetrate against Christian and Jewish people.” A local newspaper printed an article about Naylor’s posts, and after community leaders expressed concerns, Naylor was placed on administrative leave and subsequently terminated on the basis that his continued employment would be contrary to order and discipline at the jail and that he lacked credibility to function effectively in a management role. Naylor sued, alleging religious discrimination under Title VII. The parties treated the allegations as a claim for failure to accommodate; the district court focused on the county’s undue hardship defense, concluded that Naylor’s online commentary could not be accommodated without undue hardship, and granted summary judgment for the county.

On appeal, the Eighth Circuit applied the Supreme Court’s holding in *Groff*, and determined that genuine issues of material fact existed as to whether Naylor’s posts would cause undue hardship to the operation of the jail. The county argued that Naylor’s Islamophobic and homophobic views had harmed its image by spurring public concern that the county discriminated against detainees or visitors who were members of those communities; the court assumed, without deciding, that “public image effects can present issues for an organization sufficient to rise to the level of an undue hardship under Title VII” but concluded that the county had not provided sufficient evidence in this case to warrant summary judgment. While the record contained evidence of some public concern that could potentially lead to reputational harm, there was no evidence of “an actual negative impact on the jail’s public image.” The county also argued that accommodating Naylor’s posts would cause harm to its business relationships, pointing to two entities that considered ending their agreements to send their overflow detainees to the jail after Naylor’s commentary became public. The district court had agreed that this constituted undue hardship, but the Eighth Circuit was less certain, concluding that “While a reasonable jury could find this evidence sufficient to establish an undue hardship, the evidence is insufficient to support the grant of summary judgment.” The loss of contractual relationships had been speculative, and the amount of money the county would have lost was not sufficiently established to be substantial in relation to the conduct of the jail’s particular business as required under *Groff*. The court therefore reversed and remanded.

- *Petersen v. Snohomish Reg'l Fire & Rescue*, 150 F.4th 1211 (9th Cir. 2025), *petition for cert. filed*, No. 25-1210 (U.S. Apr. 23, 2026) – Eight firefighters were denied requests for religious exemptions to the COVID-19 vaccine, because the fire department (SRFR) could not identify a reasonable accommodation that would allow the firefighters to remain in their roles without imposing an undue hardship on the department. The Ninth Circuit affirmed the district court's grant of summary judgment for the fire department, applying the *Groff* standard of undue hardship and discussing what it means to "take into account all relevant factors." The court looked at health and safety costs, both for the fire department and the public it serves, pointing to evidence in the record that accommodations such as masking and social distancing were less effective than vaccinating when it came to spreading the virus; operational burdens of granting accommodations to a significant percentage of its firefighters; and financial costs to both the department and the community, including those resulting from absenteeism, loss of a contract to provide emergency medical services to a local correctional facility, and potential liability for claims brought against the department for unvaccinated firefighters spreading the virus. Although the plaintiffs argued that the last of those costs was hypothetical, and the court acknowledged that "In general, we consider only actual hardships, not hypothetical ones when assessing undue hardship," the court also went on to explain that "we do not understand 'undue hardship' to mean 'realized hardships.' An undue hardship may include an evaluation of the risk of hardship, not just an accounting of damages actually suffered. The risk of undue hardship, however, must be realistic and not 'merely conceivable or hypothetical.'"

Notably, the court rejected the plaintiffs' arguments based on religious accommodations granted by other fire departments, as well as their arguments based on understandings about the pandemic almost four years after the denial of the plaintiffs' accommodations: "We cannot judge SRFR by the responses taken by other fire departments. The reasonableness of others' decisions is not before us. Nor can we judge SRFR with the clarity of hindsight or the benefit of post-pandemic debates over what measured responses frontline employers should have taken. We must consider the costs faced by SRFR in October 2021, not today. ... The pandemic forced the State of Washington to make decisions quickly and with limited information. In so doing, SRFR relied on the scientific evidence and COVID data then available and acted in the best interests of the community."

- *Bordeaux v. Lions Gate Ent., Inc.*, No. 23-4340, 2025 WL 655065 (9th Cir. Feb. 28, 2025) – Plaintiff Andrea Bordeaux was an actress on the TV series *Run the World*. During the filming of the show's second season in the spring of 2022, the production company had certain COVID-19 protocols in place, in accordance with union agreements and federal, state, and local health guidelines. One of those was a vaccination requirement, for which Bordeaux requested a blanket exemption on religious grounds. That exemption was denied, and she sued for religious discrimination, but the district court granted summary judgment for the employer, which demonstrated that if it allowed Bordeaux to work while unvaccinated and she had close contact with anyone who tested positive for the virus, this would cause a large financial loss that constituted undue hardship: applicable COVID protocols would require a 10-day production shutdown, costing an estimated \$1.5 to \$3 million, and multiple shutdowns could lead to a

permanent shutdown of production.

On appeal, Bordeaux argued that the risk of a shutdown was too speculative to constitute an undue hardship under Title VII, but the Ninth Circuit rejected this argument, explaining that “an employer need not establish that an adverse health or safety event is *certain* to result from an accommodation to establish undue hardship under Title VII.” The evidence showed that New York City was seeing a large number of cases of the Omicron variant at the time, and “Given the prevalence of COVID-19 in New York City over the relevant time period, the risk of Bordeaux coming into ‘close contact’ with an individual testing positive was a real, not a hypothetical, risk.” (This case is also discussed in the section of this outline regarding financial costs.)

Miscellaneous

Finally, some courts have addressed other issues in the context of religious accommodation cases that are worth noting, such as whether an employer has in fact offered a reasonable accommodation and whether an employee provided adequate notice of his need for a religious accommodation.

Reasonableness of accommodation

- *Hale v. Vidal*, No. 22-2973, 2023 WL 7211909 (2d Cir. Nov. 2, 2023) – A religious retreat conflicted with Hale’s deadline to file a rebuttal regarding an adverse employment decision. Instead of extending the rebuttal deadline as he requested, his employer, the U.S. Patent and Trademark Office, allowed him to file an appeal of the decision. He sued, claiming that this decision constituted a failure to accommodate his religious practice. In a brief opinion, the Second Circuit affirmed the grant of summary judgment to the USPTO on Hale’s religious accommodation claim. It held that the USPTO had offered Hale a reasonable accommodation, reasoning that Hale “presents no evidence that a rebuttal would have been more advantageous than an appeal, and Hale is not entitled to his preferred accommodation.”
- *Bingham v. Philadelphia Sch. Dist.*, No. 24-2998, 2025 WL 2630570 (3d Cir. Sept. 12, 2025) – When Gregory Bingham objected on religious grounds to the Philadelphia School District’s COVID vaccine requirement, the school district responded by exempting him from the policy but requiring him to quarantine when he was exposed to someone who had tested positive for COVID. He sued, and the Third Circuit affirmed dismissal of his claims. Bingham argued that the proffered accommodation was unacceptable because he had to use his own accrued leave time while quarantining; the court disagreed and explained that a sufficient religious accommodation does not need to be the one the employee prefers. Rather, an employer’s obligation is to offer anything that eliminates the conflict between an employment requirement and a religious practice, and the court held that the school district did so here.

Bingham also argued that the School District violated Title VII by denying his request to work from home while quarantined. However, “Nothing in the record suggest[ed]

Bingham’s religious beliefs required him to work from home[.]” so this argument also failed.

- *Federoff v. Geisinger Clinic*, No. 24-28 44, 2026 WL 195416 (3d Cir. Jan. 26, 2026) – Geisinger granted religious exemption requests from its COVID vaccine requirement on the condition that exempted employees test twice weekly. When the plaintiffs learned the tests’ nasal swabs were sterilized using ethylene oxide, a carcinogen, they requested and were denied a religious exemption from the testing program. They sued, arguing that the proffered accommodation was not reasonable. The Third Circuit vacated the lower court’s dismissal of the plaintiffs’ Title VII claims, reasoning that “offense to religion is not the only ground upon which an accommodation may be unreasonable – the accommodation may be unreasonable under the circumstances.” It held that, at least at the pleading stage, the plaintiffs “plausibly alleged the circumstantial unreasonableness of the accommodation” since they alleged that Geisinger’s proffered accommodation required exposure to a carcinogen. The court noted, “It may be that discovery will reveal that any potential exposure to ethylene oxide from twice weekly nasal swabs is not unreasonable under the circumstances[.]”
- *Miller v. Charleston Area Med. Ctr., Inc.*, No. 24-2129, 2026 WL 35966 (4th Cir. Jan. 6, 2026), *cert. denied*, — S. Ct. —, No. 25-1166, 2026 WL 1463229 (U.S. May 26, 2026) – Plaintiff, a respiratory therapist at a hospital, was fired after he refused to receive the COVID-19 vaccine. The hospital reviewed his religious accommodation request and determined that there was no way for him to do his job safely while unvaccinated. He sued, alleging that the hospital failed to conduct an “individualized assessment of his particular circumstances.” The court found that such assessments are generally required, but here it would have been futile: it was “painstakingly obvious that there was no alternative arrangement that would allow a respiratory therapist to continue treating his patients for a respiratory illness without the protection of the vaccine.”
- *Jackson v. Methodist Health Servs. Corp.*, 121 F.4th 1122 (7th Cir. 2024), *cert. denied*, 146 S. Ct. 99 (2025) – Amanda Jackson, a nurse, sought a religious exemption to the employer’s COVID-19 vaccine requirement, based on her objection to the use of fetal cell lines in the development and testing of the vaccine. The employer granted the exemption, and initially required Jackson only to mask while at work, but subsequently added a weekly testing requirement in response to an executive order issued by the Governor of Illinois. Jackson refused to comply with the testing requirement, citing her “moral conscience,” which prevented her from submitting to procedures she did not believe were medically necessary and which “arbitrarily discriminate between employees on the basis of health care choices made pursuant to freedom of conscience.” Because she did not submit to the required weekly testing, she was put on unpaid leave and ultimately terminated. Jackson sued under Title VII, claiming that the employer did not accommodate her religious beliefs, but the district court granted summary judgment for the employer and the Seventh Circuit affirmed. The employer did, in fact, grant her an accommodation: she said her religious objection was to the vaccine, so they allowed her to forgo vaccination, requiring her instead to mask at all times and subsequently to undergo weekly testing, in compliance with the governor’s executive order. Jackson did not identify any religious tenet that conflicted with the *testing* requirement, alleging only

that it offended her “moral conscience” because she believed it was medically unnecessary and singled her out for discriminatory and arbitrary treatment, so her claim failed.

Notice to employer

- *Zarn v. Minn. Dep’t of Hum. Servs.*, 165 F.4th 1143 (8th Cir. 2026) – The plaintiff claimed that he objected to his employer’s COVID-19 vaccine-or-testing policy because it violated his “moral conscience,” but he nevertheless signed a consent form agreeing to abide by the policy, and did not specifically request a religious exemption or express that he had a religious objection to the testing requirement. Rather, he expressed dissatisfaction with the policy to his supervisor, his union president, and administrators, but his communications with them centered on his concerns about the long-term health effects of the vaccine or his questions about administrative processes, and he did not express to any of them that he was seeking a religious exemption.

The Eighth Circuit upheld the district court’s grant of summary judgment for the employer. To establish a *prima facie* case for failure to accommodate religious practices under Title VII, a plaintiff must show that he (1) has a bona fide religious belief that conflicts with an employment requirement, (2) informed the employer of such conflict, and (3) suffered an adverse employment action. Zarn’s claim failed on the second prong: although an employer need only have enough information about an employee’s religious needs to permit the employer to understand the existence of a conflict between the employee’s religious practices and the employer’s job requirements, in this case Zarn’s conversations were insufficient to put his employer on notice that he had a religious conflict with the policy. “Communication of dissatisfaction with the Covid Policy, without linking such dissatisfaction to his religious beliefs, is insufficient to satisfy the employer notification requirement.”

- *Weiss v. Permanente Med. Grp., Inc.*, — F.4th —, No. 24-6609, 2026 WL 2131748 (9th Cir. July 24, 2026) – Mimi Weiss, who identified as a Christian Jew, was initially granted her requested religious exemption from her employer’s COVID-19 vaccine policy, but was subsequently asked to provide more information after the employer learned of what it called “a pattern of insincere religious-exemption requests among its employees.” When she did not fully respond to the employer’s supplemental questions, her religious exemption was revoked, and she was then terminated for failing to get vaccinated. She sued for, among other things, failure to accommodate her religious beliefs in violation of Title VII. The district court granted the employer’s motion to dismiss, based on its conclusion that the “generic explanations” in her initial request and her complete answers to the employer’s supplemental questions did not adequately put the employer on notice of a conflict between her religious beliefs and the vaccine mandate.

The Ninth Circuit reversed, holding that Weiss’s submissions adequately informed the employer of her need for a religious exemption. Although “conclusory assertions” are not enough to constitute notice, and an employee must provide enough information about her religious needs to allow the employer to understand the existence of a conflict with an employment requirement, in this case Weiss had done enough to meet that threshold: she

identified herself to management as “a Christian Jew” and described specific religious doctrines and passages from scripture that she asserted prohibited her from “accepting foreign material” into her body and instructed her to maintain her “body and blood uncontaminated.” This was enough to put the employer on notice of a conflict between her religious belief and the vaccine mandate.

Although the case was decided on the issue of notice, it is worth mentioning that the employer also attempted to question the sincerity of Weiss’s asserted religious belief on the basis that she had acknowledged receiving other vaccines in the past. Weiss explained that her concern over receiving the COVID-19 vaccine arose not because that vaccine was different from others she had received, but “because her religious commitment had changed” since she received those vaccines, in the sense that she had recommitted to her faith after the start of the pandemic. This goes to the point, mentioned in the section above on sincerely held religious belief, that simply because one’s religious observance has not been consistent does not necessarily mean that one’s religious belief is not sincere.