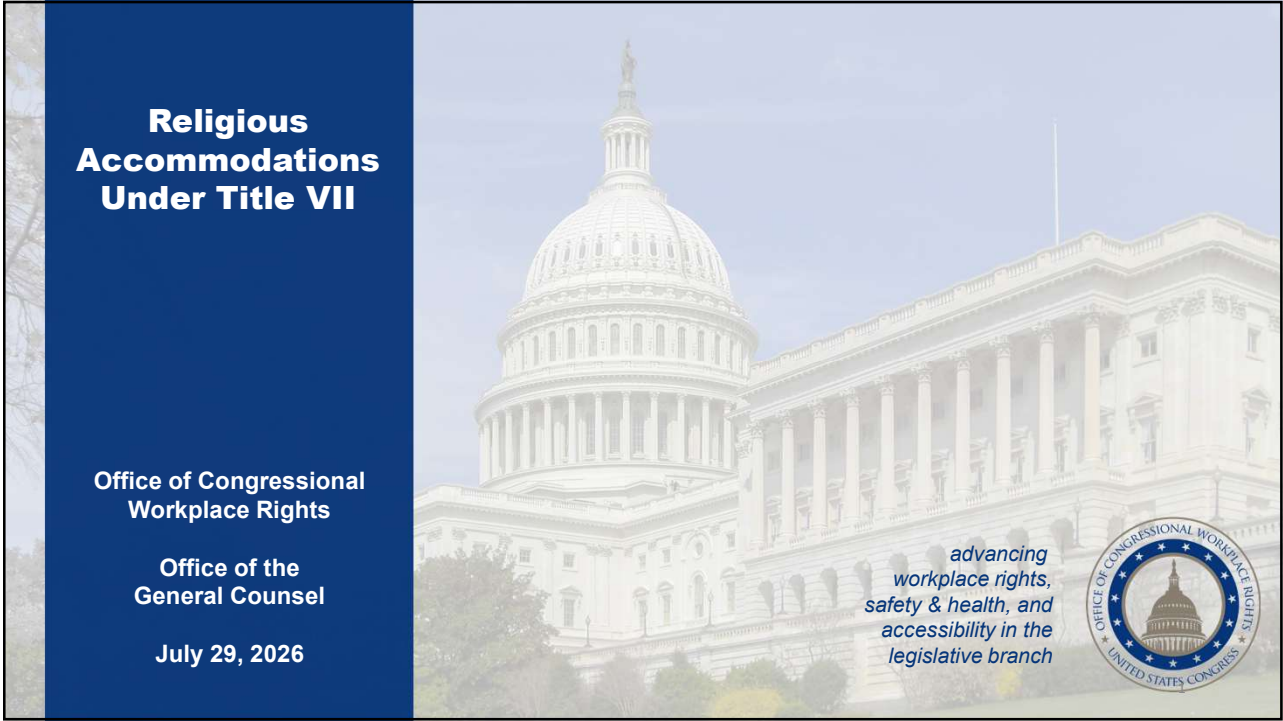




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Presenters

- Hillary Benson, Deputy General Counsel
- Dynah Haubert, Associate General Counsel
- John Mickley, Associate General Counsel
- Jack Ryan, Law Clerk

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Overview

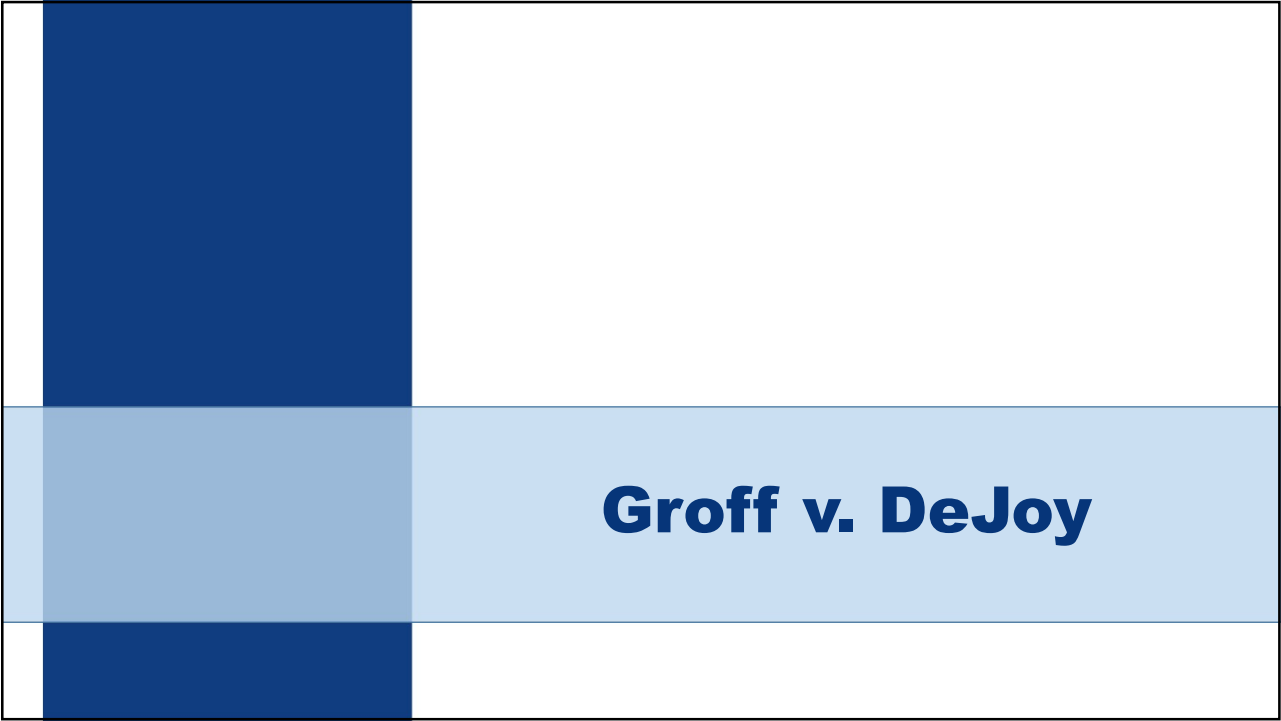
- *Groff v. DeJoy*
- Sincerely Held Religious Beliefs
- Undue Hardship
- Miscellaneous

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Religious Accommodations Under *TWA v. Hardison*

- Title VII of the Civil Rights Act of 1964 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.”
- In *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977), the Court ruled that requiring an employer to bear more than a de minimis cost to provide religious accommodations qualified as an undue hardship.
- Despite conflicting language over the definition of “undue hardship” in *Hardison*, lower courts typically applied the de minimis standard in religious accommodation cases.

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***Groff v. DeJoy* – Factual Background and Procedural History**

- 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.
- 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 the district court's grant of summary judgment for USPS under the then-prevailing *de minimis* standard.
- Groff appealed to the Supreme Court, challenging the “*de minimis*” interpretation of the *Hardison* undue hardship standard.

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***Groff v. DeJoy* – SCOTUS opinion**

- The Supreme Court issued its decision on June 29, 2023. *Groff v. DeJoy*, 600 U.S. 447 (2023).
- The Court declined to overturn the *Hardison* decision in its entirety, but it rejected the *de minimis* interpretation of undue hardship, holding that an employer seeking to deny a religious accommodation must show that granting the accommodation “would result in substantial increased cost in relation to the conduct of its particular business.”
- 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.”

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	Plaintiffs showed sincerely held religious beliefs • <i>Bazinet v. Beth Israel Lahey Health, Inc.</i>, 113 F.4th 9 (1st Cir. 2024) – Plaintiff objected to the COVID-19 vaccine based on her understanding that it was developed using fetal cells, which violated her beliefs as a Christian; the fact that other Christians received the vaccine did not undermine the sincerity of her own religious belief. • <i>Passarella v. Aspirus, Inc.</i>, 108 F.4th 1005 (7th Cir. 2024) – Plaintiffs alleged sincerely held religious beliefs even though their objections to the COVID-19 vaccine included both religious and non-religious grounds. • <i>Kalejaiye v. Quality Investigations, Inc.</i>, No. CV 19-02647 (RC), 2024 WL 1213322 (D.D.C. Mar. 21, 2024) – The fact that plaintiff had cut his beard in the past did not refute that his religious belief prohibited him from doing so while employed by the defendant; religious belief need not be consistent to be protected by Title VII.

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	Plaintiffs did not show sincerely held religious belief • <i>McDowell v. Bayhealth Med. Ctr., Inc.</i>, No. 24-1157, 2024 WL 4799870 (3d Cir. Nov. 15, 2024) – Objections were medical, scientific, personal, or secular in nature, rather than religious. • <i>Bowlin v. Bd. of Directors, Judah Christian Sch.</i>, 167 F.4th 469 (7th Cir. 2026) – Plaintiffs objected to COVID testing on the basis that their “moral conscience” would not allow them to undergo procedures they felt were not medically necessary, but this was not a religious belief.

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Undue hardship – non-financial costs

- *Kalejaiye v. Quality Investigations, Inc.*, No. CV 19-02647 (RC), 2024 WL 1213322 (D.D.C. Mar. 21, 2024) – Factual issues remained as to whether the employer could accommodate a security guard’s beard without violating a government contract, which could have been considered an undue hardship.
- *Hebrew v. Tex. Dep’t of Crim. Just.*, 80 F.4th 717 (5th Cir. 2023) – Accommodating a correctional officer’s hair and beard would not constitute an undue hardship.

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Undue hardship – non-financial costs, *cont’d*

- *Carter v. Local 556, Transp. Workers Union*, 156 F.4th 459 (5th Cir. 2025) – Decreased employee morale resulting from plaintiff’s anti-abortion social media posts did not constitute undue hardship, so a new trial was not warranted.
- *Kluge v. Brownsburg Cmty. Sch. Corp.*, 150 F.4th 792 (7th Cir. 2025) – Issues of fact existed as to whether allowing a teacher to violate the school district’s policy for using transgender students’ chosen names was causing sufficient harm to the school’s business of providing a safe and inclusive learning environment for students.

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	Undue hardship – real vs. hypothetical risk, <i>cont’d</i> <i>Bordeaux v. Lions Gate Ent., Inc.</i>, No. 23-4340, 2025 WL 655065 (9th Cir. Feb. 28, 2025) – Given the prevalence of the Omicron variant in New York City at the time, the risk of a TV production losing millions of dollars if one of its actresses was exposed to COVID was not speculative, and granting her a religious exemption to the show’s COVID policy would therefore pose an undue hardship; “an employer need not establish that an adverse health or safety event is <i>certain</i> to result from an accommodation to establish undue hardship under Title VII.”

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	Miscellaneous

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Reasonableness of accommodation

- *Bingham v. Philadelphia Sch. Dist.*, No. 24-2998, 2025 WL 2630570 (3d Cir. Sept. 12, 2025) – A sufficient religious accommodation need not 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.
- *Jackson v. Methodist Health Servs. Corp.*, 121 F.4th 1122 (7th Cir. 2024) – The plaintiff’s religious objection was to the COVID-19 vaccine, so masking and testing were reasonable accommodations, and her subsequent objections to those measures were not religious in nature.

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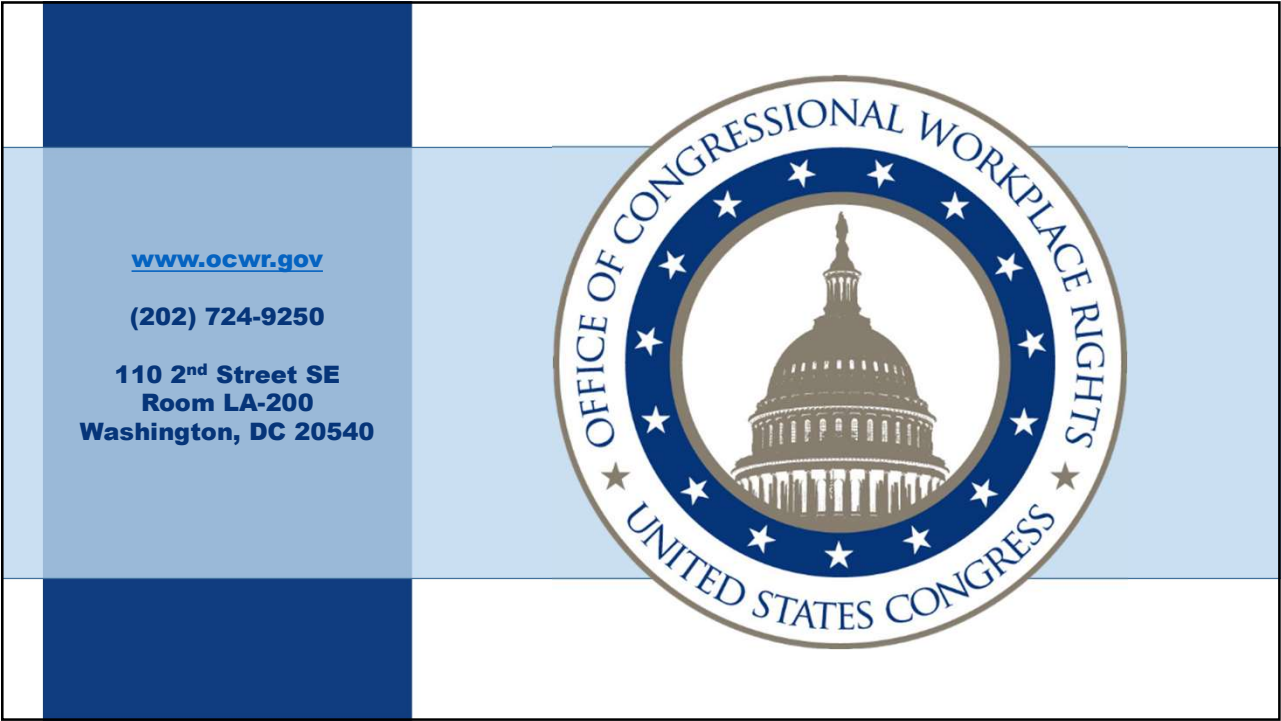
Notice to employer

- *Zarn v. Minn. Dep’t of Hum. Servs.*, 165 F.4th 1143 (8th Cir. 2026) – 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; however, in this case the plaintiff objected to the COVID-19 policy but did not put his employer on notice that his objections were religious in nature or that he was seeking a religious exemption, so his claim failed.

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