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EXPERT INSIGHT | Center for American Values

GROFF V. DEJOY DECISION UPHOLDS RELIGIOUS FREEDOM

Pastor Paula White-Cain and Matias Perttula

TOPLINE POINTS

- ★ The Supreme Court's decision in *Groff v. DeJoy* safeguards religious liberty for faith-loving Americans and expands the ability of employees to observe their Sabbath day.
- ★ The Court ruled unanimously in favor of Gerald Groff, who was a rural carrier associate in Pennsylvania for the United States Postal Service.
- ★ The decision to return the case to the lower court overturns decades of practice and will have a significant positive impact on religious accommodations in the workplace for religious Americans.

The unanimous [Supreme Court decision in *Groff v. DeJoy*](#) successfully broadened the safeguards for religious freedoms for faith-loving Americans. On June 29, 2023, the Court issued a decision in favor of Gerald Groff, who served as a rural carrier associate for the United States Postal Service and [had sought a workplace accommodation to observe the Sabbath faithfully](#). The Court declared that under [Title VII of the Civil Rights Act](#), employers must provide a religious accommodation unless it would incur a substantial cost related to the conduct of the business. The case is returning to the lower court to receive the fair treatment it deserves under this new standard.

In the four decades since its previous paramount case on Title VII religious accommodations, [Trans World Airlines, Inc. v. Hardison](#), lower courts had steadily whittled down Title VII protections. Since that case in 1977, the standard for these protections had effectively been reduced to a mere *de minimis* test in which an employer could essentially deny a religious accommodation if it would pose a trifling burden on the employer's business. The test has been used by employers for decades as a way to deny religious accommodations in the workplace. In *Groff v. DeJoy*, the Court disavowed the '*de minimis*' analysis in a historic victory for religious liberties.

The previous standard derived from an oft-quoted singular line in [Hardison](#) stating that any religious accommodation that incurs more than a *de minimis* cost is an undue hardship on the employer. The current Supreme Court criticized the over-emphasis on this line by lower courts, saying it ignored the broader context of *Hardison*.

Officially, *Groff v. DeJoy* narrows the circumstances under which an employer may refuse a religious accommodation, thus expanding the protections for religious freedoms. Now, an employer that wants to reject an accommodation must show that the employer would incur a substantial cost related to the conduct of the business. Under *Groff v. DeJoy*, workers are further protected in exercising their religious beliefs, such as observing the Sabbath.

Further Background

Gerald Groff, an evangelical Christian, worked for the U.S. Postal Service in rural Pennsylvania as a carrier. [Rural carriers](#) are considered non-career employees who fill in for the senior carriers when needed. Rural carriers were not required to work on Sundays before 2013; however, after the USPS entered into a contract with Amazon to deliver packages, the delivery landscape changed and now included Sunday deliveries.

This presented a significant problem for Gerald Groff, who observed his Sabbath on Sundays, and it incentivized him to request a religious accommodation to have Sundays off. This, in turn, presented a problem for the Postal Service, which already suffered from a lack of staff in numerous offices. Facing likely disciplinary action from his employer, Groff resigned from his position in 2019. Following his resignation, he sued the Postal Service on the grounds that it was unwilling to accommodate his religious views.

During litigation, the USPS asserted that they satisfied the *de minimis* cost test when they showed that granting Groff's request would impose on Groff's coworkers, disrupt the workplace, and diminish employee morale. It was enough for the [Third Circuit to uphold USPS' refusal to accommodate Groff](#). Groff petitioned the Supreme Court to fix the *Hardison* analysis.

According to [Becket](#), a religious liberty law firm, 86% of workplace religious accommodation requests are denied under the prevailing *Hardison* analysis. As Justice Alito said for the unanimous court: "The *de minimis* test has blessed the denial of even minor accommodation in many cases, making it harder for members of minority faiths to enter the job market." Religiously faithful employees have been routinely placed in the untenable position of choosing between their livelihood and practicing their faith. These denials violated the fundamental tenants of religious freedoms embraced and protected in Title VII of the Civil Rights Act.



Conclusion

The Supreme Court's unanimous decision establishes a new, heightened standard of religious liberty protections. Rather than rubber stamp denials based on incidental costs or on employee disharmony, employers must now adequately assess the effect a religious accommodation would have on that employer's business and consider alternative reasonable accommodations when the proposed accommodation would produce a substantial cost.

The Court further pointed out that this standard is subjective based on the capacity of the relevant business. What may be a substantial cost to a four-employee mom-and-pop shop would not justify the denial of the same accommodation in nationwide corporations like Walmart.

This decision will help safeguard the religious liberty of faith-loving Americans for generations to come by protecting their right to observe their Sabbath day. This decision will reshape workplaces across the country with more robust religious accommodations for employees.

