

A “Significant Difficulty or Expense” Standard

Dear Tanenbaum Community,

On Thursday, June 29, 2023, the Supreme Court of the United States (SCOTUS) issued a unanimous decision in the [Groff v. DeJoy case](#). This case centered on an evangelical Christian postal carrier who couldn't work on Sundays as part of his observance of his Sabbath.

In [this ruling](#), the Court rejected Groff's formulation, sending his specific circumstances back to a lower court, but they also rejected the de minimis cost standard, which will have important implications and effects on business owners. The Court ruled “...*that an employer must show that the burden of granting [an] accommodation would result in substantial increased costs in relation to the conduct of its particular business.*”

It is important to remember, that while this shift in standing about what an “undue hardship” burden is may require changes to be made within companies' policies and procedures, *this decision will not unilaterally affect all companies in all the same ways.*

For over 25 years, Tanenbaum has been producing resources like the [Accommodation Mindset®](#) and our [Religious Diversity Checklist](#), that are practical starting points to guide companies who are looking to create a process for building and maintaining a religiously diverse workforce. These resources help companies move beyond accommodating the immediate needs of their employees, and towards a proactive approach to annually tracking, managing, and predicting accommodation requests. For those who do not already have procedures in place, it is incumbent that they now prioritize designing an iterative process for assessing how to grant accommodations.

Tanenbaum looks forward to any new recommendations the EEOC puts out regarding religious accommodations in the workplace, considering this most recent decision.

With respect,
Rev. Mark Fowler