



National Postal Mail Handlers Union

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DATE: June 30, 2023

TO: Local Presidents
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National/Regional CAD

FROM: Teresa Harmon, Manager Contract Administration

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RE: U.S. Supreme Court Decision in *Groff v. DeJoy*

On Thursday, June 29, 2023, the U.S. Supreme Court issued a unanimous decision in the lawsuit *Groff v. DeJoy*.

The case was brought by Gerald Groff, who delivered mail as a Rural Carrier Associate (RCA) from 2012 to 2019 in central Pennsylvania. Groff is a Christian who observes Sunday as the Sabbath. Citing those religious beliefs, Groff consistently refused to work on Sundays. For several years, Groff and the Postal Service attempted to find workarounds, such as having volunteers take over his Sunday slots. Eventually, however, the Postal Service began disciplining Groff for his refusal to work on Sundays, and in 2019, Groff resigned. After resigning, Groff sued the Postal Service. He argued that under Title VII of the Civil Rights Act, the Postal Service was required to reasonably accommodate his religious beliefs by exempting him from Sunday work.

Before turning to the specifics of the Court's decision, we note at the outset that the Court's decision leaves in place the longstanding recognition that it would be an "undue burden" to provide an accommodation that would violate a seniority system in a collective bargaining agreement, like the National Agreement between the NPMHU and the Postal Service.

The Court's decision did proceed to answer two principal questions:

On the first question – whether the Court should disapprove the “more than *de minimis* cost” test for determining whether a religious accommodation was an undue hardship – the Court disapproved of the “more than *de minimis* cost” language. In its place, the Court held that an employer can show that a religious accommodation creates an undue hardship under Title VII if that accommodation causes a substantial burden in the overall context of the employer's business. The Court held that this is a fact-specific inquiry. “Courts must apply the test to take into account all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size, and operating cost of an employer.”

As to the second question – whether an employer may demonstrate undue hardship under Title VII by showing burdens on co-workers – the Court held – using language consistent with the position the NPMHU took in its *amicus* brief to the Supreme Court, that impact on coworkers is relevant to the extent those impacts affect the conduct of the business. The Court acknowledged that “an accommodation's



effect on co-workers may have ramifications for the conduct of the employer's business, but a court cannot stop its analysis without examining whether that further logical step is shown in a particular case.”

The Court concluded by sending the case back to the lower court to consider Groff's claim in light of the standard described above.

As we wrote to you previously, the NPMHU supports employees' rights to receive reasonable accommodations for their religious beliefs and practices, and will continue to urge the Postal Service to provide those accommodations consistent with the terms of the National Agreement.

If you have any questions or concerns, please do not hesitate to contact the National CAD.