Fourth Circuit Clarifies "Undue Hardship" Standard for Religious Accommodation under Title VII

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A recent decision by the United States Court of Appeals for the Fourth Circuit provided welcome guidance to employers seeking to understand their obligations to accommodate religious preferences in the workplace in a changing legal landscape.

Title VII of the Civil Rights Act of 1964, as amended ("Title VII") requires covered employers to reasonably accommodate employees' sincerely help religious beliefs unless doing to so would cause an undue hardship. For years, courts interpreted "undue hardship" under Title VII to mean any effort or cost that is more than "de minimus," or minimal. But, following an increase in religious accommodation requests tied to vaccine mandates during the COVID-19 pandemic, the United States Supreme Court redefined that standard in a way that seemed to place a greater onus on employers to justify the denial of religious accommodations. In its 2023 decision in *Groff v. DeJoy,* the Supreme Court held that the "more than de minimus" standard was not sufficient, and that an employer asserting an undue hardship must show that the burden of granting an accommodation would result in substantial increased costs in relation to the operation of its particular business.

Since *Groff*, employers have had little guidance from courts in parsing what that new standard means. But in *Hall v. Sheppard Pratt Health Sys., Inc.,* the United States Court of Appeals for the Fourth Circuit provided some much-needed clarification as to what an undue hardship under *Groff* might entail, at least in a healthcare setting. The case was brought by Carolyn Hall, a hospital admissions coordinator who was terminated after refusing a COVID-19 vaccination based on her sincerely held religious beliefs. Hall's job required her to work regularly with medically at-risk patients in a hospital setting, and her employer required all employees to be vaccinated unless they qualified for a medical or religious exception. Hall requested a religious exception to the vaccine requirement, and the hospital denied her request based on her regular interaction with medically vulnerable patients and the increased risk of COVID-19 transmission. Her employer offered her the opportunity to apply for remote work positions, but she declined, refused vaccination, and was terminated as a result.

Hall brought suit in federal district court alleging that the denial of her accommodation request and subsequent discharge constituted religious discrimination in violation of Title VII. The district court granted summary judgment in favor of the employer and dismissed the case, finding that the hospital had met its burden of establishing an undue hardship. The Fourth Circuit affirmed, holding that permitting Hall to continue working in her role without vaccination would create an undue hardship as defined by the Supreme Court in *Groff.* The Court specifically noted that the standard for undue hardship under Title VII was not as stringent as that applicable to disability accommodation under the ADA, and that both economic and non-economic costs can be considered in determining the existence of an undue hardship under Title VII. The Court reasoned that legitimate threats to the health and safety of employees and the people they serve may constitute such a cost

and justify denial of a religious accommodation, and that employers need not confine their analysis to the impact of granting a single accommodation request, but can instead consider the precedential impact where additional employees may demand the same accommodation as a result.

While *Hall* suggests that, despite *Groff,* employers still retain wide latitude in determining the existence of undue hardship under Title VII, employers should be mindful that the evaluation of religious accommodations remains a fact-specific inquiry and must be based on the nature of the employer's business and the resulting impact of a requested accommodation on that specific operation. Additionally, remaining flexible in offering alternate accommodations where feasible is the best path. As the Fourth Circuit affirmed in *Hall*, "[a]n employer puts its strongest foot forward when it considers not only the employee's suggested accommodation but also other potential accommodations."

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