

Pennsylvania Conference of Teamsters

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LEGISLATIVE ACTION ALERT

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SUPREME COURT'S RELIGIOUS ACCOMODATION DECISION

On Thursday, June 29, the Supreme Court issued its decision in *Groff v. DeJoy* and held that an employer must accommodate an employee who raises a religious need for a modification of work unless doing so would amount to an undue hardship to the conduct of business. In doing so, it stated that a prior standard, that held that an employer need not accommodate a request if doing so would result in more than a minimal degree of hardship, was incompatible with Title VII of the Civil Rights Act. Under the newly-announced standard, the mere fact that an accommodation might result in increased costs or co-worker dissatisfaction due to compelled overtime or shift changes, are not likely to suffice to excuse accommodation.

This issue often arises when, as in the *DeJoy* case, an employee seeks to avoid work on Saturdays or Sundays (or possibly on a religious holiday) due to his or her religious beliefs. In the unionized context, this could create a conflict if a more senior employee is then required to work over his/her objection instead of the junior employee, assuming that overtime is mandated in reverse seniority order. Given the new standard, it is safe to predict that a court would conclude that allowing the junior employee to be excused from the work is required, even though it would violate the senior employee's contractual seniority rights. Similarly, in the health-care industry, it is likely that a hospital employee could successfully refuse to participate in a procedure on religious grounds.

There is no way to predict the specific implications of the new standard, but the potential for conflict with collective bargaining provisions certainly exists.

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