



Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

The Case of Undue Hardship: Working on the Sabbath

The Facts of *Groff v. DeJoy*:

(*Louis DeJoy is the Postmaster General, United States Postal Service*)

Gerald Groff lives in rural Pennsylvania. He worked as a rural carrier associate (RCA) for the U.S. Postal Service (USPS). As an evangelical Christian, Groff believes in the biblical command that the Sabbath (Sundays) be a day of rest and worship. Following this belief, he does not want to work on Sundays. When he started his job in 2012, his opposition to working on Sundays was not an issue, as that was not a requirement of RCAs. However, in 2013 the USPS signed a contract to deliver Amazon packages, creating a situation where employees were needed for Sunday delivery shifts.



The U.S. Postal Service negotiated a new contract with its union, setting up a process for scheduling employees for the new weekend and holiday shifts. For RCAs, the process included opportunities for volunteers willing to work the shifts to fill them first, and then to assign carriers to the remaining shifts on a rotating basis. Despite compromises made between Groff and the local Postmaster and concessions made to Groff by the USPS ([Brief for the Petitioner](#) pgs.7-9), Groff still refused to work on Sundays. When Groff was scheduled to work on a Sunday, he failed to report. He explained to the Postmaster that "when faced with a conflict between earthly authority and God's commandments, he must always choose to honor God." ([Brief for the Petitioner](#) pg.9). Over time, Groff's failure to report to work on a Sunday, as well as the U.S. Postal Service handling of the situation, led to one employee quitting, one employee transferring, and another employee filing a grievance.

Groff was disciplined for refusing to report for Sunday work and eventually quit. He sued the U.S. Postal Service under [Title VII](#) for failing to reasonably accommodate his religious practice.

The U.S. District Court for the Eastern District of Pennsylvania disagreed with Groff, finding that "by attempting to swap Groff's shifts with other employees,...USPS offered a reasonable accommodation." ([Brief for the Petitioner](#) p.10). In addition, the district court ruled that exempting Groff from Sunday shifts caused an undue hardship to USPS since it "caused more than a *de minimus* [sic] impact on [Groff's] co-workers" and caused USPS to violate agreements made with its union. ([Brief for the Petitioner](#) pg.10) The U.S. Court of Appeals for the Third Circuit agreed with the lower court and Groff appealed to the U.S. Supreme Court.



On January 13, 2023, the U.S. Supreme Court granted Gerald E. Groff [certiorari](#). The Court is being asked to address two questions:

1. "Whether this Court should disapprove the more than-de-minimis-cost test for refusing Title VII religious accommodations stated in *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977).
2. Whether an employer may demonstrate "undue hardship on the conduct of the employer's business" under Title VII merely by showing that the requested accommodation burdens the employee's co-workers rather than the business itself." ([Brief for the Petitioner](#), pg. i).

Federal Statute, Appellate Court and Supreme Court Precedent Used in this Case:

- [Ansonia Bd. of Educ. v. Philbrook](#) (1986): The Court ruled that Title VII of the Civil Rights Act of 1964 does not require an employer to accept any reasonable accommodation proposed by an employee that does not cause "undue hardship" to the employer's business.
- [EEOC v. Abercrombie & Fitch Stores, Inc](#) (2015): Among other issues, The Court held that Title VII creates a duty to accommodate religious practices by employers.
- [Estate of Thornton v. Caldor, Inc.](#) (1985): The Court held that a Connecticut Sabbath observance statute violated the separation of church and state because it weighed heavily "in favor of Sabbath observers over all other interests", including employers and nonobservant employees.
- [Patterson v. Walgreen Co](#) (11th Circuit, 2018): Darrell Paterson was a Seventh-day Adventist and unable to work on Saturdays, the Adventist Sabbath. His employer, Walgreens, covered the Saturday shifts by others but ultimately fired Patterson after he was unable to attend a mandatory weekend training. Mr. Patterson sued Walgreens for religious discrimination. Both the district court and appeals court sided with Walgreens. In 2018, Patterson appealed to the U.S. Supreme Court but his petition for a writ of certiorari was denied.
- [Title VII of the Civil Rights Act](#) (1964): Prohibits discrimination in employment on the basis of religion and requires employers to accommodate the religious practices of workers as long as it does not impose an "undue hardship on the employer's business."
- [Trans World Airlines, Inc. v. Hardison](#) (1977): The U.S. Supreme Court ruled that TWA had made reasonable efforts to accommodate the religious needs of Hardison and that TWA did not violate Title VII. The Court suggested that alternatives would have presented an undue hardship within the meaning of the statute as understood by the Equal Employment Opportunity Commission (EEOC) guidelines because employers do not need to accommodate a worker's desire to avoid work on the Sabbath if that means operating short-staffed or having to pay increased wages to replacement workers. The Court went on to state that employers should not have to bear more than a "de minimis" cost.

To Think and To Do: During oral arguments, Justice Ketanji Brown Jackson noted that Title VII of the Civil Rights Act (1964) has been in place for more than half a century and Congress has never changed the law to make it more friendly to Sabbath observers. Her concern was that a person or group "could fail to get in Congress what they want with respect to changing the statutory standard and then just come to the court and say, 'You give it to us.'" Given Justice Jackson's concern, and your understanding of the statutes and precedents used in this case, how do you think the U.S. Supreme Court will rule? Explain.

to [Learn MORE](#) about this case, view Gerald Groff's [Petition for Certiorari](#) and the Postmaster General's [Respondent Brief](#).

