DMEC
2026 ANNUAL CONFERENCE

Religious Accommodations

An EEOC Enforcement Priority and Employer Retooling Imperative

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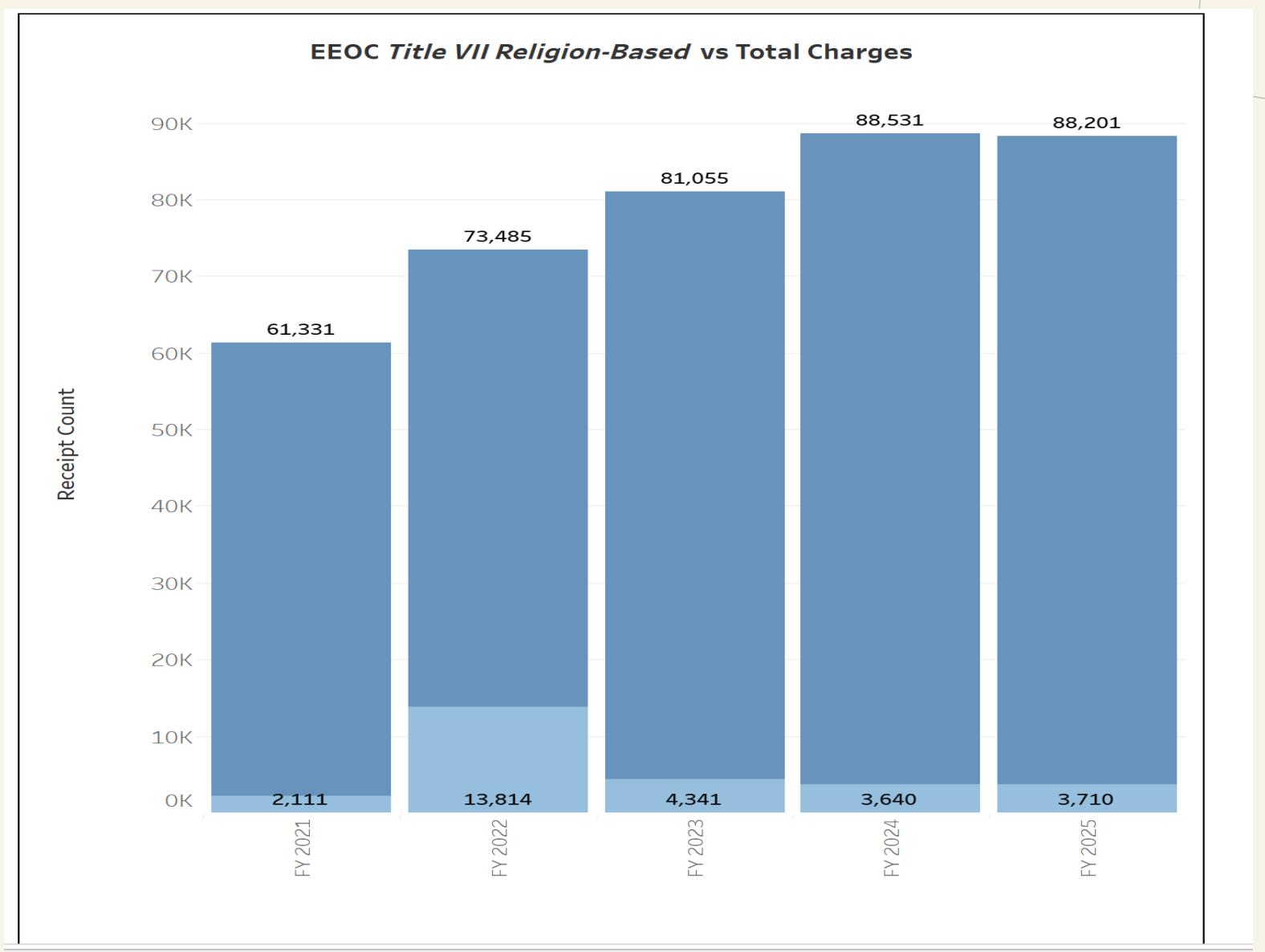
Title VII: Religion

- Title VII prohibits an employer from "discriminat[ing] against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . religion"
- "The term 'religion' includes all aspects of religious observance and practice, as well as belief, **unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship** on the conduct of the employer's business"



Religious Accommodation Requests on the Rise

- **2021**
  - Vaccine mandates create flood of accommodation requests
- **2023**
  - SCOTUS issues *Groff* decision, clarifies undue hardship burden
- **2025**
  - EEOC increases focus on religion


EEOC *Title VII Religion-Based* vs Total Charges
Receipt Count
90K
80K
70K
60K
50K
40K
30K
20K
10K
0K
61,331
73,485
81,055
88,531
88,201
2,111
13,814
4,341
3,640
3,710
FY 2021
FY 2022
FY 2023
FY 2024
FY 2025

EEOC's Objectives & Priorities

- *"[R]ooting out unlawful DEI-motivated race and sex discrimination; protecting American workers from anti-American national origin discrimination; defending the biological and binary reality of sex and related rights, including women's rights to single sex spaces at work; protecting workers from religious bias and harassment, including antisemitism; and remedying other areas of recent under-enforcement"*

-01.21.25 EEOC Press Release



Religious Discrimination Is a Top Priority

- “Protecting workers' religious liberty rights to receive religious accommodations and be free from religious discrimination, harassment, and related retaliation.” - **EEOC’s June 2026 NEP**
- Since January 2025, the EEOC has filed **16 religious discrimination lawsuits** and recovered over **$63 million** on behalf of religious workers via public and private pre-litigation voluntary resolutions, as well as litigation settlements. In FY 2025 alone, the agency obtained record-breaking recoveries for religious workers (over $48 million), which was a 146% increase over the $19.55 million recovered in FY 2024.” – **EEOC’s May 2026 Announcement on Priorities**



Religious Discrimination Is a Top Priority (cont'd)

- The Office of Personnel Management issued guidance related to federal workers' rights to practice their religious faith in the workplace
  - Unclear whether EEOC will extend similar guidance to private workplaces
- Given the EEOC's priorities under the Trump Administration and the 2023 SCOTUS decision in ***Groff v. DeJoy*** clarifying the undue hardship standard under Title VII, employers should expect to see a continued emphasis on religious accommodation from the EEOC and employees
- Employers should be alert for faith-based accommodation requests that may conflict with other Title VII protections



EEOC's Recent Religious Accommodation Cases

- 12 failure to accommodate requests for time off to observe the Sabath or attend
  religious observances (consent decrees ranging from **$80,000 – $303,758**)
- 3 failure to accommodate the wearing of skirts for religious reasons (consent decrees ranging from **$47,500 – 61,000**)
- Multiple cases alleging failure to accommodate religion related to COVID-19 mandatory vaccine policies (according to the EEOC, **more than $55 million** collected for employees)
- Denying a class of employees with religious objections to flu vaccine the opportunity to earn vaccine incentive bonus (conciliation agreement **$325,000**)



EEOC's Recent Religious Accommodation Cases (cont'd)

- Firing restaurant employee who refused to participate in Buddhist chanting ritual (consent decree **$80,000**)
- Repeatedly asking an employee to remove their hijab head covering (consent decree **$20,000**)
- Antisemitism harassment and retaliation cases (consent decree **$21 million**)
- Firing employee who frequently posted Bible verses and faith-based messages on personal social media not mentioning workplace or coworkers
- And many others . . .



More Religious Accommodation Requests Coming Your Way

Be alert for different faith-based accommodation requests

- LGBTQ+ activities/pronouns
- Religious expression on social media
- Proselytizing and religious icons at work
- Situational religious accommodation requests
- Requests related to longer religious holidays such as Ramadan
- Refusing to travel, meet or eat alone with a member of the opposite sex unless she is your wife (the Billy Graham Rule)
- Objections to AI
- Objections to DEI activities (Hot issue for EEOC)



WHAT TO DO IF YOU EXPERIENCE DISCRIMINATION RELATED TO DEI AT WORK

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on protected characteristics such as race and sex. Different treatment based on race, sex, or another protected characteristic can be unlawful discrimination, no matter which employees are harmed. Title VII's protections apply equally to all racial, ethnic, and national origin groups, as well as both sexes.

Before you can sue in federal court, you first must file a charge of discrimination with the EEOC. The U.S. Equal Employment Opportunity Commission (EEOC) investigates charges of discrimination and can file a lawsuit under Title VII against businesses and other private sector employers. The Department of Justice can file a lawsuit under Title VII against state and local government employers based on an EEOC charge, following an EEOC investigation.

What can DEI-related discrimination look like?

Diversity, Equity, and Inclusion (DEI) is a broad term that is not defined in the statute. Under Title VII, DEI policies, programs, or practices may be unlawful if they involve an employer or other covered entity taking an employment action **motivated**—in whole or in part—by an employee's race, sex, or another protected characteristic. In addition to unlawfully using quotas or otherwise "balancing" a workforce by race, sex, or other protected traits, DEI-related discrimination in your workplace might include the following:

Disparate Treatment

DEI-related discrimination can include an employer taking an employment action motivated (in whole or in part) by race, sex, or another protected characteristic. Title VII bars discrimination against applicants or employees in the terms, conditions, or privileges of employment, including:

- Hiring
- Firing
- Promotion
- Demotion
- Compensation
- Fringe benefits
- Exclusion from training
- Exclusion from mentoring or sponsorship programs
- Exclusion from fellowships
- Selection for interviews (including placement on candidate slates)

Limiting, Segregating, and Classifying

Title VII also prohibits employers from limiting, segregating, or classifying employees based on race, sex, or other protected characteristics in a way that affects their status or deprives them of employment opportunities. Prohibited conduct may include:

- Limiting membership in workplace groups, such as Employee Resource Groups (ERG) or other employee affinity groups, to certain protected groups
- Separating employees into groups based on race, sex, or another protected characteristic when administering DEI or other trainings, or other privileges of employment, even if the separate groups receive the same programming content or amount of employer resources

Harassment

Title VII prohibits workplace harassment, which may occur when an employee is subjected to unwelcome remarks or conduct based on race, sex, or other protected characteristics. Harassment is illegal when it results in an adverse change to a term, condition, or privilege of employment, or it is so frequent or severe that a reasonable person would consider it intimidating, hostile, or abusive.

Retaliation

Title VII prohibits retaliation by an employer because an individual has engaged in protected activity under the statute, such as objecting to or opposing employment discrimination related to DEI, participating in employer or EEOC investigations, or filing an EEOC charge. Reasonable opposition to a DEI training may constitute protected activity if the employee



A Quick Refresh

What Is a Sincerely Held Religious Belief?

- Title VII defines "religion" to include "all aspects of religious observance and practice as well as belief"
- Does not have to be part of a traditional, organized religion
- A belief is "religious" for Title VII purposes if it is "religious" in the person's "own scheme of things," i.e., it is a "sincere and meaningful" belief that "occupies a place in the life of its possessor parallel to that filled by . . . God"
- An employee's belief, observance or practice can be "religious" under Title VII even if the employee is affiliated with a religious group that does not espouse or recognize that individual's belief, observance or practice, or if few — or no — other people adhere to it



What Is a Sincerely Held Religious Belief?
(cont'd)

- Religious beliefs include theistic beliefs as well as non-theistic "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views"
- Social, political or economic philosophies, as well as mere personal preferences, are not religious beliefs protected by Title VII
  - However, overlap between a religious and political view does not place it outside the scope of Title VII's religion protections, as long as that view is part of a comprehensive religious belief system and is not simply an "isolated teaching"



Analysis for Religious Accommodation

- Has the employee indicated a sincerely held religious belief that qualifies for a reasonable accommodation?
  - Is it religious in nature?
  - Is it sincerely held?
- Does that belief **conflict** with an employer policy or requirement?
- What accommodation does the individual seek?
- Would the requested accommodation cause an undue hardship and/or are there **any** alternatives that would not?



Undue Hardship Under Title VII

- *Groff v. DeJoy* (2023)
  - Undue hardship is shown when a burden is substantial in the overall context of an employer's business
    - **Hardship**, at a minimum, means "**something hard to bear**"
  - Undue means that the requisite burden, privation or adversity "must rise to an '**excessive**' or '**unjustifiable**' level"
  - "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"





Real-Life Scenarios Based on Recent Cases

Fridays Off

- Jan is a licensed practical nurse who works a doctor's office. She is a practicing Muslim. When she was first hired, she requested to have Friday afternoons off work to attend weekly prayer services at her mosque. Jan suggested she could work additional hours Monday through Thursday to make up the 4 hours per week that she would need to be absent to attend mosque. The practice owners have been talking about how to formally respond for about four months. Meanwhile, the office manager has been allowing Jan to take PTO and unpaid time off on Fridays. The practice group owners have decided they want to grant Jan's request but require that Jan make up the time by coming in a half day on Saturdays or transfer to a part-time position.
- **The practice group owners ask for your advice; what should they consider?**



The Billy Graham Rule

- The Company is excited to hire Jon as a new outside sales representative. He comes with lots of leads and is sure to bring in significant revenue. A few weeks after starting, he mentions to his manager that he cannot travel alone, meet behind closed doors or eat alone with a woman who is not his wife because of his religion. The manager is concerned about Jon's ability to do his job if he is so limited in his interactions with women. He wants to tell Jon there is no way his requests can be granted so he'll need to be more flexible or resign.
- **The manager asks for your advice; what should the manager consider?**



Bible Verses

- Your company runs an outdoor entertainment venue that offers mini golf, go karts, batting cages, etc. Your mini golf pro frequently posts religious messages, including Bible verses, on his personal Facebook page. He does not identify himself as an employee of the company or indicate that he is representing the views of the company. The posts do not refer to any employee of the company. The general manager is concerned that the mini golf pro's posts may be considered offensive to gay people. The general manager wants to tell the mini golf pro to stop posting the religious messages and Bible verses or he will have to resign.
- **What guidance do you give the General Manager?**



Tattoos

- Sam is a server at your restaurant. A new manager was hired and wrote Sam up for having visible tattoos in violation of the company-wide dress code. Sam practices an ancient Egyptian faith. As part of his practice, he went through a rite of passage where he received religious inscriptions in the form of tattoos less than a quarter-inch wide encircling his wrists. His beliefs make it a sin to intentionally conceal the religious inscriptions. Your CEO has been making it a point to build a brand as the neighborhood family dining room and wants to tell the server to cover the tattoos or find another job.
- **What advice do you give the CEO?**

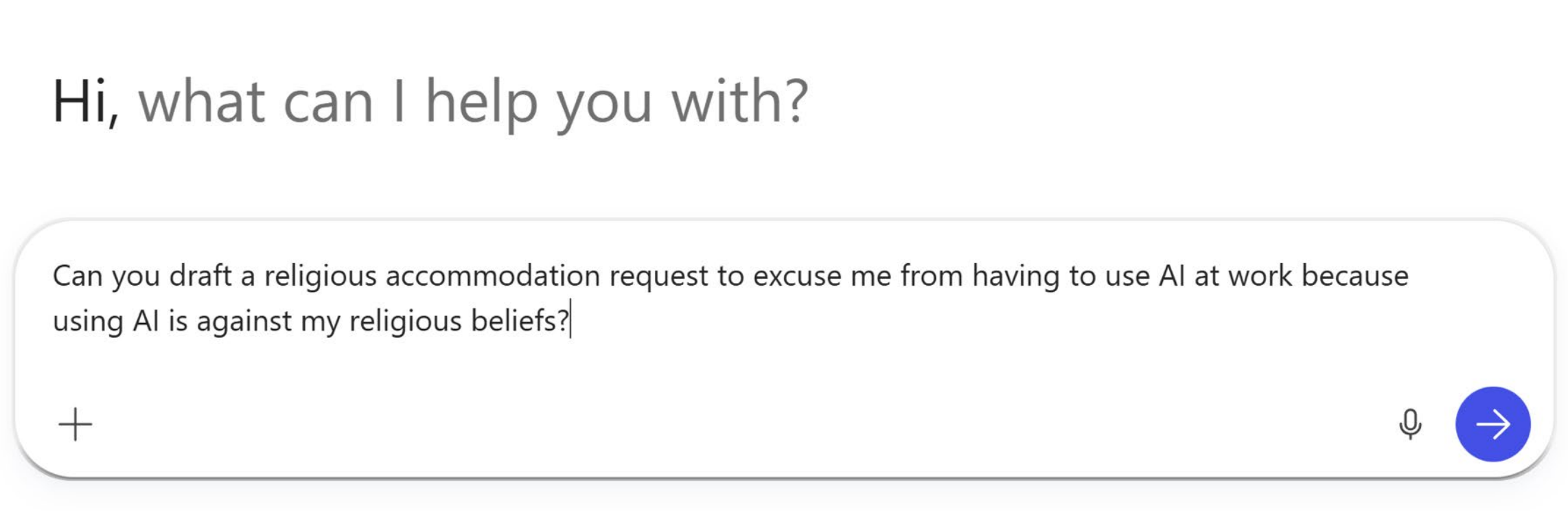


Mark of the Beast

- The company has just purchased and installed a new time keeping system. Instead of submitting daily time sheets, the new system allows employees to clock in and out using a hand scanner. It also has a keypad that can be used, but the scanner is considered the most accurate. Dave is an Evangelical Christian and asks to be excused from using the hand scanner as a religious accommodation. Dave believes using the hand scanner will brand him with the mark of the beast. Dave requests that he be permitted to continue to submit a daily timesheet, just like he has done for the past 20 years. The operations manager refuses to grant the request. Dave feels as though he has no choice but to resign. Dave files an EEOC charge for failure to accommodate his religion.
- **Does the company have anything to worry about?**



Looking Around the Corner. . .



Email

Subject Request for Religious Accommodation

Religious Accommodation Request (AI Use)

Subject: Request for Religious Accommodation

Dear [Manager's Name] / [HR Representative's Name],

I am writing to formally request a religious accommodation under applicable employment laws.

My sincerely held religious beliefs prohibit my use of artificial intelligence tools in the performance of my job duties. These beliefs relate to [optional: *deeply held convictions about human agency, authorship, and moral responsibility*] and are central to my religious practice and understanding.

As a result, I respectfully request an accommodation that would excuse me from being required to use AI tools or systems as part of my work responsibilities.

I want to be clear that I am fully committed to performing my role effectively and meeting all job expectations. I am able and willing to complete my duties using non-AI methods that align with my religious beliefs, including but not limited to:

- Manual drafting, analysis, and review
- Independent research and documentation
- Existing standard tools that do not rely on generative or automated AI systems

I believe this accommodation would allow me to continue contributing at a high level without causing undue hardship to the organization.

I am happy to engage in the interactive process to discuss reasonable alternatives that meet both my needs and the organization's operational requirements. Please let me know a convenient time to discuss this further.





Takeaways

Responding to Requests for Accommodation

- Gather information
- Consider whether the request would create an undue hardship based on an individualized assessment
- Avoid blanket/knee-jerk decisions
- Consider and discuss alternatives with the employee
- Don’t make decisions based on fear that others will make the same request in the future — focus the present and deal with the future at that time



Questions?



Thank You!

