

No. 22-174

In the Supreme Court of the United States

GERALD E. GROFF,

Petitioner,

v.

LOUIS DEJOY, POSTMASTER GENERAL, UNITED STATES POSTAL
SERVICE,

Respondent.

On Writ of Certiorari to the
United States Court of Appeals
for the Third Circuit

**BRIEF OF THE MUSLIM PUBLIC AFFAIRS COUNCIL
AS *AMICUS CURIAE* SUPPORTING PETITIONER**

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INTEREST OF *AMICUS CURIAE*¹

The Muslim Public Affairs Council is a nonprofit public affairs organization that has worked since its founding in 1988 to enhance American pluralism, improve understanding, and speak out on policies that affect American Muslims. Through engaging our government, media, and communities, MPAC leads the way in bolstering more nuanced portrayals of Muslims in American society and partnering with diverse communities to encourage civic responsibility.

MPAC submits this brief to highlight the importance of religious accommodations for vulnerable religious groups. Since *Hardison* was decided, it has undermined Title VII's legal protections for people of faith. All too often, *Hardison's* de minimis standard means religious employees must choose between their livelihood and their faith. For people of minority faiths and other marginalized communities, losing this protection has severe and long-term consequences. As this brief explains, *Hardison* threatens the rights of these religious employees to fully participate in the workplace. That error frustrates Title VII's core purpose and should be corrected.

¹ No counsel for any party authored this brief in whole or in part, and no entity or person aside from *amicus curiae* and its counsel made a monetary contribution toward its preparation.

INTRODUCTION AND SUMMARY OF ARGUMENT

Nearly fifty years ago, this Court interpreted Title VII to allow employers to refuse accommodations of religious practice whenever doing so would impose “more than a de minimis cost.” *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63, 84 (1977). For decades now, this standard has allowed employers to shirk their workplace obligations under Title VII, and religious workers have borne the brunt.

Correcting *Hardison*’s legal shortcomings is long overdue. Besides being wrong as a textual matter and contrary to Title VII’s original aim, *Hardison* has wrought significant harm by disproportionately impacting religious, ethnic, and racial minorities and the working class. Because these groups often lack the cultural cachet to have their beliefs widely respected or the means to obtain other gainful employment, *Hardison* harms the very individuals Title VII was meant to protect.

Hardison’s impact on these groups is severe. By allowing employers to refuse to accommodate employees’ beliefs for almost any reason, *Hardison* forces devout employees to an impossible, daily choice between religious duty and livelihood. For underprivileged religious employees especially, that choice places them at a heightened risk of financial insecurity, which can ultimately engender a cycle of poverty and perpetuate inequality of opportunity. As a result, many low-income and underprivileged employees must live with chronic mental strain that can hurt their overall psychological and physical well-being.

By forcing many religious minorities and working-class individuals of faith out of their jobs, the *Hardison* standard deprives workplaces of diverse and much-needed workers—contrary to both the law and the public interest. Religion provides countless benefits to individuals, to the workplace, and to civil society at large. *Hardison*'s de minimis standard suppresses these benefits. Restoring Title VII's original intent will ensure that Americans of all faiths and backgrounds can draw satisfaction from their distinctive contributions to public life, just as others do.

ARGUMENT

I. ***Hardison*'s flawed standard disproportionately harms religious minorities, people of color, and working-class employees.**

As a result of *Hardison*'s ineffective de minimis standard, religious discrimination in the workplace is on the rise. But what's worse, the employees most likely to experience religious discrimination are often the very groups Title VII was most meant to protect. For these religious workers, the message is clear: if work conflicts with your faith, work wins. Religious employees must either shed their religious identity at work or deal with the personal and financial consequences of losing their job.

Over the past few decades, religious discrimination has become alarmingly prevalent. From 1992 to 2020, workplace religious discrimination claims rose by 73%. Rachel C. Schneider et al., *How Religious Discrimination is Perceived in the Workplace: Expanding the View*, 8 *Socius* 1 (2022) (analyzing EEOC data). That trend “dwarfs” other types of discrimination, with sex,

national origin, and race discrimination claims all *decreasing* over the same period. *Ibid.* All told, nearly a third of workers describe experiencing religious discrimination at work. *Id.* at 5.

Members of minority religious groups bring an outsized number of Title VII religious accommodation claims. For instance, as other amici have shown, despite making up just 0.9% of the general population, Muslims filed 18.6% of such claims. Brief for Christian Legal Society et al. as Amici Curiae Supporting Petitioner at 24, *Patterson v. Walgreen Co.*, 140 S. Ct. 685 (2020) (No. 18-349). And collectively, members of minority faiths constituted 62% of claimants. *Ibid.* (including small Christian sects that observe the Saturday Sabbath). Yet non-Christian religions make up less than 6.0% of the American public. See *Religious Landscape Study*, Pew Research Center (2014), <https://perma.cc/9SMC-5PAR>.

Religious minorities experience discrimination in a variety of ways. On the job, 6.8% of Jewish and 11.0% of Muslim workers reported receiving unfair work evaluations based on their religion. Christopher P. Scheitle & Elaine Howard Ecklund, *Individuals' Experiences with Religious Hostility, Discrimination, and Violence: Findings from a New National Survey*, 6 *Socius* 8 (2020). Hindu workers are almost ten times as likely (14.4%) as Christians to be fired based on their religion. *Ibid.* And workplace religious discrimination often begins far earlier: Jewish applicants are more than twice as likely (5.8%) as Christians to be denied a job because of their religion, and Muslim applicants are more than six times as likely (17.7%). *Ibid.* One study found that Muslim women who wear a hijab are 40% less likely to be hired than Muslim women who

don't wear one. Sofia Ahmed and Kevin M. Gorey, *Employment Discrimination Faced by Muslim Women Wearing the Hijab: Exploratory Meta-Analysis*, J. Ethnic & Cultural Diversity Soc. Work (Jan. 2021).

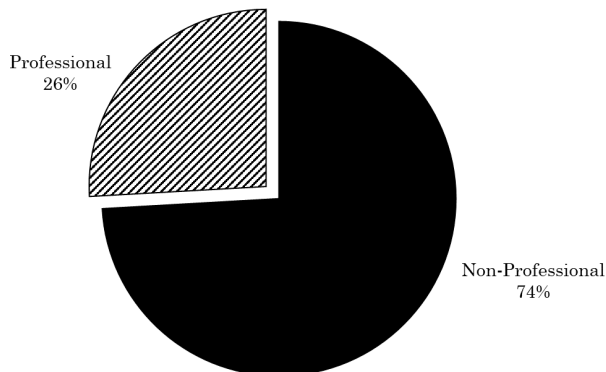
Even facially neutral workplace policies can lead to discrimination. Because such policies often reflect the culture and practices of the majority, members of minority religious groups are more often the ones seeking accommodation. See generally *The 2020 Census of American Religion*, Pub. Religion Rsch. Inst. (July 8, 2021), <https://perma.cc/8NSD-N8SV> (finding that less than 5.0% of the population identifies with minority faith groups). These non-mainstream faiths may require unfamiliar dietary restrictions, traditional dress, or observance of unique religious holidays, among other accommodations. It is thus unsurprising that almost 30% of non-Christians report experiencing religious discrimination in the workplace. Christopher P. Scheitle & Katie E. Corcoran, *Religious Tradition and Workplace Religious Discrimination: The Moderating Effects of Regional Context*, 5 Soc. Currents 290 (2017). Indeed, Muslim and Jewish employees experience workplace discrimination based on their religion even more often. Schneider, *supra*, at 5 (reporting that 63% of Muslims and 52% of Jews experienced religious discrimination). And these numbers only reflect reported cases. The stigmatization of minority religions and concerns accommodation will be refused lead many minority religious believers not to disclose their religion or ask for religious accommodation in the first place. Piyawan Charoensap-Kelly et al., *To Come Out or Not to Come Out: Minority Religious Identity Self-Disclosure in the United States Workplace*, 34 Mgmt. Comm'n Q. 213, 216–17 (2020).

Religious discrimination in the workplace disproportionately harms other underprivileged groups as well. According to a Pew Research study, minority religious groups in America are predominantly made up of people of color. See *Religious Landscape Study: Racial and Ethnic Composition*, Pew Research Center (2014), <https://perma.cc/Y5WP-2EYD> (finding that non-white people comprise 64% of Jehovah's Witnesses, 96% of Hindus, 56% of Buddhists, and 62% of Muslims). The availability of workplace accommodations is thus uniquely important to people of color. Even among Christians, women of color more frequently reported exclusion from after-hours socialization and general isolation in the workplace based on their religious identity. Schneider, *supra*, at 7–8.

Working-class employees are also particularly hard hit. Title VII plaintiffs overwhelmingly hail from the working class, ranging from disabled cashiers to immigrant truck drivers and from factory linemen to janitors. See, e.g., *Mekonnen v. OTG Mgmt., LLC*, 394 F. Supp. 3d 134 (D. Mass. 2019); *Maroko v. Werner Enter.*, 778 F. Supp. 2d 993 (D. Minn. 2011); *EEOC v. JBS USA, LLC*, 940 F. Supp. 2d 949 (D. Neb. 2013); *Bolden v. Caravan Facilities Mgmt.*, 112 F. Supp. 3d 785 (N.D. Ind. 2015). Amicus surveyed 139 Title VII cases decided under *Hardison* on summary judgment motions and on appeal from 2000 to the present. By amicus's count, 3.6% of plaintiffs seeking religious accommodation worked as letter carriers or postal workers like Mr. Groff. Another 9.4% of plaintiffs worked as truck, bus, or delivery drivers. Firefighters, police officers, security guards, and prison officers made up 7.9% of the plaintiffs. Another 8.6% worked in

factories, and 10.8% worked in retail. In total, 74% of claimants worked in non-professional positions.²

Figure 1: Claims Brought, by Job Status



These workers have an especially hard time overcoming *Hardison's* de minimis standard. In a Third Circuit case, for example, a prison warden threatened to fire female Muslim prison employees if they came to work wearing their khimars. *EEOC v. GEO Grp., Inc.*, 616 F.3d 265, 269 (3d Cir. 2010). When one of them refused to comply, she was fired—and had no recourse because her proposed accommodation required the prison to expend “some additional time and resources.” *Id.* at 274 (emphasis added). As low-level employees, they were expendable. They had neither the leverage to push through a change to workplace policies nor the financial means to easily walk away from a good-paying job.

² These numbers are based on a review of reported cases decided since 2000 under *Hardison's* standard on summary judgment and on appeal. For a complete data set, see the Appendix to this brief.

Likewise, in *Small v. Memphis*, a Jehovah's Witness requested a position change after experiencing an injury that prevented him from working as an electrician. *Small v. Memphis Gas, Light & Water*, 952 F.3d 821, 823 (6th Cir. 2020). His employer assigned him to a position that required him to work during times that conflicted with his religious services. *Ibid.* The only accommodation he received placed the burden on Mr. Small to negotiate shift switches with his coworkers, when available. *Id.* at 824. As both a low-income wage worker and a minority religious practitioner with an irregular schedule, his only real choice was to give up his livelihood or his religion. See also *Patterson v. Walgreen Co.*, 727 Fed. App'x. 581 (11th Cir. 2018) (upholding Walgreen's decision to fire a Black Seventh Day Adventist call center employee who objected to working on his Sabbath).

In another case, Jiffy Lube implemented a grooming policy that required a longstanding employee to shave and cut his hair against his Rastafarian beliefs. *Brown v. F.L. Roberts*, 419 F. Supp. 2d 7, 10 (D. Mass. 2006). When he refused, management relegated him to more dangerous, isolated, and inferior positions out of customers' view. *Ibid.* When he asked for an accommodation, his employer denied him because he "did not have the time to check on" everyone's religion. *Ibid.* But because the accommodation would "adversely affect [Jiffy Lube's] public image," no accommodation was necessary under *Hardison*. *Id.* at 16.

These examples are likely just the tip of the iceberg. Low-income Americans often don't seek legal assistance. *The 2021 Justice Gap Survey: Seeking and Receiving Legal Help*, Legal Servs. Corp. (2021), <https://perma.cc/GKY2-YC7A> (finding that under 20%

of low-income Americans seek legal assistance for problems they faced). And when they do, most don't receive the help they need. *Ibid.*

Many religious minorities don't even report workplace discrimination for fear of retaliation or other negative consequences. *Xenophobia, Islamophobia, and Anti-Semitism in N.Y.C. Leading Up to and Following the 2016 Presidential Election: A Report on Discrimination, Bias, and Acts of Hate Experienced by Muslim, Arab, South Asian, Jewish, and Sikh Workers*, NYC Comm'n on Hum. Rts. (2018), <https://perma.cc/9FL7-L6TP> (finding that only 23.7% of religious minority respondents who were prevented from observing their religion at work reported the incidents). In one survey, for example, a woman reported that when she tried to take time off for a religious holiday, her manager remarked, "Your religion is not going to pay your food or rent or give you a promotion." Schneider, *supra*, at 9.

In sum, *Hardison's* strained interpretation of Title VII's undue hardship term disproportionately hurts religious minorities, people of color, and working-class employees. Yet these are the very individuals Title VII sought to protect. Unless *Hardison* is corrected, these employees will be forced to choose between facing potential financial ruin or compromising their sincere beliefs.

II. Denying religious accommodations imposes physical, psychological, and financial harms on already vulnerable employees.

By allowing employers to refuse to accommodate religious employees in the mine run of cases, *Hardison* exposes vulnerable populations to an increased risk of

workplace discrimination. The resulting harms come in many forms.

To start, the mental health consequences of discrimination are severe and long-term. Workers fired because of their religion, race, or ethnicity are more than twice as likely to report indicators of depression as those who have not experienced similar discrimination. See *Xenophobia, Islamophobia, and Anti-Semitism in NYC*, *supra*, at 14. And while adherents of minority faiths face disproportionately high levels of religious discrimination, these effects are experienced across religious affiliations. Zheng Wu & Christopher M. Schimmele, *Perceived Religious Discrimination and Mental Health*, 26 *Ethnicity & Health* 963, 963–80 (2019).

The harms to psychological well-being from discrimination are most acutely felt by members of disadvantaged groups who lack high social status. See Michael T. Schmitt et al., *The Consequences of Perceived Discrimination for Psychological Well-Being: A Meta-Analytic Review*, 140 *Psychol. Bull.* 921, 935 (2014). All too often, these groups face threats or harassment based on their religious identity, which unsurprisingly leads to sadness and decreased life satisfaction. See Renate Ysseldyk et al., *Coping With Identity Threat: The Role of Religious Orientation & Implications for Emotions & Action Intentions*, 3 *Psych. Religion & Spirituality* 132 (2011).

Even when not facing outright discrimination, religious employees can experience chronic mental stress when working in an environment where accommodation is the exception rather than the rule. For some employees, they must revisit, every day, whether making ends meet is worth shedding their

religious identity at work. For others, they live in constant fear that their employer could refuse religious accommodations altogether. Consider Safia Abdullah, a Muslim refugee who fled Iraq and sought employment as a hotel housekeeper in Albuquerque. *EEOC v. 704 HTL Operating, LLC*, 979 F. Supp. 2d 1220, 1222 (D.N.M. 2013). She wears a hijab covering her hair and neck in accordance with her beliefs. *Ibid.* But when she arrived at work wearing the garment, an HR representative reprimanded her until she broke down crying and was eventually escorted from the premises. *Id.* at 1223.

Or consider Maricely Velez-Sotomayor, a cashier at Progreso Cash and Carry in Ponce, Puerto Rico. *Velez-Sotomayor v. Progreso Cash & Carry, Inc.*, 279 F. Supp. 2d 65, 69 (D.P.R. 2003). Ms. Velez-Sotomayor objected to store policies requiring her to wear a Christmas-themed hat in violation of her beliefs as a Jehovah's Witness. *Id.* at 70. She eventually complied when her supervisor instructed her that her alternative was to leave her job. *Ibid.* She was six months pregnant at the time. *Ibid.* Though she tried to enroll in unemployment benefits, she was denied, which forced her to return to the same job to make ends meet. *Ibid.*

The mental stress resulting from a discriminatory workplace causes adverse mental health outcomes including psychological distress, depression, and anxiety. Elizabeth Pascoe & Laura Richman, *Perceived Discrimination and Health: A Meta-Analytic Review*, 135 *Psych. Bull.* 531, 531–54 (2009). Repeated workplace discrimination makes workers more susceptible to chronic stress and stress reactions, *id.*, which is further magnified by the fact that the

workplace is the “single most important site of cooperative interaction and sociability among adult citizens outside the family.” Cynthia L. Estlund, *Working Together: The Workplace, Civil Society, and the Law*, 89 *Geo. L.J.* 1, 3 (2000).

On top of the harms to mental health, religious discrimination has lasting physical consequences. These include increases in unhealthy behaviors like smoking, alcohol abuse, and substance abuse. Pascoe & Richman, *supra*, at 531–54. Higher likelihoods of coronary heart disease and hypertension have also been tied to routine discrimination. *Ibid.* Workplace discrimination can make long-term sickness, and thus absence from work, more likely. Alice Clark et al., *Workplace discrimination as risk factor for long-term sickness absence: Longitudinal analyses of onset and changes in workplace adversity*, 16 *PLoS One* 8 (2021), <https://perma.cc/D5YS-LNLQ>. At bottom, there is a strong link between religion and physical health. Nancy E. Day, *Religion in the Workplace: Correlates and Consequences of Individual Behavior*, 2 *J. Mgmt. Spirituality & Religion* 104, 113–17 (2005).

Finally, denying religious accommodations puts employees at risk of financial peril. Employees who face discrimination must either go back on the job market voluntarily—likely without alternative job opportunities or significant means of financial support—or stay in a non-accommodating workplace where they likely won’t thrive.

For adherents of minority religions, going back on the job market could be particularly risky. For instance, Muslim applicants who indicate their faith on their resume tend to get the fewest responses from employers. Michael Wallace et al., *Religious*

Affiliation and Hiring Discrimination in the American South: A Field Experiment, 1 Soc. Currents 1, 11 (2014); Bradley R.E. Wright et al., *Religious Affiliation and Hiring Discrimination in New England: A Field Experiment*, 34 Rsch. Soc. Stratification & Mobility 111, 118–20 (2013). With *Hardison* on the books, even religious accommodations an employee has received before can be quickly taken away.

Because many religious workers are not affluent, decreased work performance and job loss can be financially ruinous, triggering a downward spiral into a cycle of poverty and even homelessness. Employees who face discrimination are also more likely to refrain from pursuing professional advancement because they fear their performance would prove negative stereotypes. See Elizabeth C. Pinel, *Stigma Consciousness: The Psychological Legacy of Social Stereotypes*, 76 J. Personality & Soc. Psych. 114, 114 (1999). By not pursuing advancement, these employees are institutionally disadvantaged, thus perpetuating harmful stereotypes and directly limiting their ability to gain financial stability through career development.

To avoid these outcomes and restore Congress's intent to protect religious minorities and other underprivileged communities, this Court should reject *Hardison's* de minimis standard.

III. More permissive religious accommodation policies in the workplace benefit both religious employees and their workplaces.

In contrast to the many harms arising from *Hardison*, interpreting Title VII's undue hardship standard

to make accommodation the rule rather than the exception will bring many benefits.

More permissive religious accommodations in the workplace benefit everyone. For religious employees themselves, religiosity enhances personal life satisfaction. Gallup polling reveals that individuals who attend weekly religious services score almost 4 points higher on well-being indexes when compared to those who do not. Frank Newport et al., *Religious Americans Enjoy Higher Wellbeing*, Gallup (Feb. 16, 2012), <https://perma.cc/59VR-TLLP>. Individuals who are religious also exhibit better mental health and cope better with adversity, depression, suicidal tendencies, anxiety, and psychotic disorders. *Ibid.*; Harold G. Koenig, *Religion, Spirituality, and Health: The Research and Clinical Implications*, Int'l Scholarly Rsch. Network (Dec. 16, 2012), <https://perma.cc/5VXR-FJXK>. Religion has been shown to be of “crucial significance for individual identity” and to serve “as a source of belonging and well-being, [guide] decisions, and influenc[e] actions in life,” Charoensap-Kelly, *supra*, at 216. Protecting workplace religious accommodation allows employees to reap these benefits, just as Congress intended when it passed Title VII.

Robust religious accommodation policies also make for a better workplace. By accommodating employees of diverse faiths, employers increase the proportion of religious minorities in their employee ranks, fostering a more welcoming and inclusive workplace. See Brian J. Grim & Kent Johnson, *2021 Corporate religious diversity, equity, and inclusion as covenantal pluralism*, in *The Routledge Handbook of Religious Literacy, Pluralism, & Glob. Engagement* (Routledge 2021). This, in turn, leads to greater access to talent. Indeed,

religious jobseekers, particularly those of minority faiths, often consider a business's religious accommodation policy, lack thereof, or accommodation track record when considering whether to apply to work for an employer. Rebekah Bastian, *Five Tips for Supporting Muslims in the Workplace*, Forbes (July 17, 2019), <https://perma.cc/T55F-KYYG> (noting, for example, that practicing Muslims actively seek workplaces with private prayer rooms).

By the same token, religiosity correlates with higher job satisfaction and organizational commitment. Eugene J. Kutcher et al., *The Role of Religiosity in Stress, Job Attitudes, and Organizational Citizenship Behavior*, 95 J. Bus. Ethics 319, 331 (2010); see also Ilke Adam and Andrea Rea, *The Three "T"s of Workplace Accommodation of Muslim Religious Practices: Instrumental, Internal, and Informal.*, 41 Ethnic & Racial Stud. 2711 (2018). Robust religious accommodation policies promote institutional diversity and its benefits. What's more, allowing for religious practice helps avoid employee burnout, in part by improving employee resilience and reducing stress. Kutcher, *supra*, at 331.

Allowing religious employees to express their authentic religious selves will bring other benefits as well. See YingFei Héliot et al., *Religious Identity in the Workplace: A Systematic Review, Research Agenda, and Practical Implications*, 59 Wiley Periodicals 153, 154 (2020). In Judaism, for example, the concept of "tikkun olam" motivates practicing Jews to engage "in work that advances social justice or pursu[ing] opportunities for such action in the workplace." *Ibid.* at 157. In a similar vein, the Christian value of "lov[ing] one another" leads Christians to display empathy toward

other employees in the workplace. *Ibid.* So, too, Muslims believe charity to be one of the five pillars of Islam. Carolyn Ball & Akhlaque Haque, *Diversity in Religious Practice: Implications of Islamic Values in the Public Workplace*, 32 *Pub. Personnel Mgmt.* 315, 317 (2003).

For all these reasons, accommodating businesses that foster a stronger community spirit and sense of belonging “tend[] to be strong, resilient, and effective.” Patricia C. Borstorff et al., *The Communication and Practice of Religious Accommodation: Employee Perceptions*, 17 *J. Applied Mgmt. & Entrepreneurship* 24, 34 (2012). Empirical data also suggests that such “spirited[] companies” outperform their counterparts by 400 to 500 percent in terms of net earnings, return on investment, and shareholder value. *Ibid.* These benefits accrue not only to employers but also, critically, to civil society and to religious individuals themselves—the very people Title VII protects.

A notable example of these benefits is Abercrombie & Fitch. In *EEOC v. Abercrombie & Fitch Stores*, this Court held that Abercrombie & Fitch’s look policy violated Title VII by preventing a Muslim woman who wore a hijab from working there. 575 U.S. 768 (2015). Abercrombie & Fitch had not been any champion of diversity, and its business model suffered as a result. The company not only struggled to attract talent but lost favor with consumers. Melissa Angell, *Lessons from the Rise and Fall of Abercrombie & Fitch, Inc.* (May 9, 2022). After this Court’s ruling, Abercrombie & Fitch reversed course, presenting more inclusive advertising campaigns that featured diverse models and, as required by this Court, permitting its employees to

wear hijabs. *Ibid.* And when it did, its customers came back. *Ibid.*

Restoring Title VII's guarantee of religious accommodation will lead to workplaces that reflect the rich diversity of American society. Doing so benefits not only religious minorities, who will be free to exercise their faith in the workplace, but also their employers, fellow employees, and society at large. Encouraging employers to accommodate the wide range of religious diversity typical of modern America is good for everyone.

CONCLUSION

Hardison's de minimis standard finds support in neither the text of Title VII nor the principles which animate it. Nor does it track the historical importance of religious pluralism in the American tradition. The Founders believed that a "just government" must be "supported by protecting every Citizen in the enjoyment of his Religion with the same equal hand that protects his person and his property; by neither invading the equal rights of any Sect nor suffering any Sect to invade those of another." James Madison, *Memorial and Remonstrance Against Religious Assessments* (1785). By allowing employers to shirk their obligations under Title VII, *Hardison* diminishes a crucial aspect of American pluralism. Practically speaking, this judicial error harms some of the most vulnerable in society.

Amicus respectfully asks this Court to rule for Mr. Groff and correct *Hardison's* interpretation of "undue hardship."

Respectfully submitted,

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FEBRUARY 28, 2023

APPENDIX

APPENDIX**Employee’s Religion and Job Status in
Religious Accommodation Cases from 2000 to
Present**

In 139 reported cases decided under *Hardison’s* “undue hardship” standard on summary judgment motions and on appeal from 2000 to the present, the plaintiffs in nearly three-quarters of the cases were non-professional workers.

Employees are classified as “professionals” if their occupations fall within the Bureau of Labor Statistics’ “management, professional, and related occupations” category. See *Labor Force Statistics from the Current Population Survey*, U.S. Bureau of Lab. Stat. (last modified Jan. 25, 2023), <https://perma.cc/WZ85-YREA>. All other workers are categorized as non-professional.

Non-Professional: 103/139 (74%)

1. *Groff v. DeJoy*, 35 F.4th 162 (3d Cir. 2022) (Christian, postal worker).
2. *Ausch v. Garland*, – F. Supp. 3d. –, No. 17-cv-2949, 2022 WL 3083581 (E.D.N.Y Aug. 3, 2022) (Orthodox Jewish, prison chaplain).
3. *EEOC v. Kroger Ltd. P’ship I*, – F. Supp. 3d. –, No. 4:20-cv-1099-LPR, 2022 WL 2276835 (E.D. Ark. June 23, 2022) (Christian, grocery store employees).
4. *Hamilton v. City of New York*, 563 F. Supp. 3d 42 (E.D.N.Y. 2021) (Jewish, firefighter).

5. *Livingston v. City of New York*, 563 F. Supp. 3d 201 (S.D.N.Y. 2021) (Orthodox Jewish, youth correctional counselor).
6. *EEOC v. Greyhound Lines, Inc.*, 554 F. Supp. 3d 739 (D. Md. 2021) (Muslim, bus driver).
7. *EEOC v. Walmart Stores E., L.P.*, 992 F.3d 656 (7th Cir. 2021) (Seventh-day Adventist, retail store assistant manager).
8. *EEOC v. Publix Super Mkts., Inc.*, 481 F. Supp. 3d 684 (M.D. Tenn. 2020) (Rastafarian, supermarket employee).
9. *Ramseur v. Concentrix CVG Customer Mgmt. Grp., Inc.*, 467 F. Supp. 3d 316 (W.D.N.C. 2020) (Church of God, call center employee).
10. *Small v. Memphis Light, Gas, and Water*, 952 F.3d 821 (6th Cir. 2020) (Jehovah's Witness, electrician).
11. *Horvath v. City of Leander*, 946 F.3d 787 (5th Cir. 2020) (Baptist, firefighter).
12. *Hussaini v. G4S Secure Solutions (USA) Inc.*, 379 F. Supp. 3d 679 (N.D. Ill. 2019) (Muslim, security guard).
13. *Mekonnen v. OTG Mgmt., LLC*, 394 F. Supp. 3d 134 (D. Mass. 2019) (Orthodox Christian, cashier).

14. *Lindsey v. Bridge Rehab, Inc.*, 369 F. Supp. 3d 1204 (N.D. Ala. 2019) (Christian, treatment aide).
15. *Stanley v. Express-Jet Airlines, Inc.*, 918 F.3d 997 (9th Cir. 2019) (E.D. Mich. 2018) (Muslim, flight attendant).
16. *Miller v. Port Auth.*, 351 F. Supp. 3d 762 (D.N.J. 2018) (Jewish, utility systems maintainer).
17. *Mial v. Foxhoven*, 305 F. Supp. 3d 984 (N.D. Iowa 2018) (Christian, psychiatric security specialist).
18. *Tabura v. Kellogg*, 880 F.3d 544 (10th Cir. 2018) (Seventh-day Adventist, food plant worker).
19. *Mohamed v. 1st Class Staffing, LLC*, 286 F. Supp. 3d 884 (S.D. Ohio 2017) (Muslim, factory worker).
20. *Fallon v. Mercy Cath. Med. Ctr.*, 877 F.3d 487 (3d Cir. 2017) (religion unspecified, psychiatric crisis intake worker).
21. *Camara v. Epps Air Serv.*, 292 F. Supp. 3d 1314 (N.D. Ga. 2017) (Muslim, customer service representative).
22. *Chavis v. Walmart*, 265 F. Supp. 3d 391 (S.D.N.Y. 2017) (Pentecostal, retail security guard).

23. *EEOC v. Consol Energy*, 860 F.3d 131 (4th Cir. 2017) (Christian, coal miner).
24. *Smith v. Concentra*, 240 F. Supp. 3d 778 (N.D. Ill. 2017) (Muslim, front office specialist).
25. *Webster v. Dollar Gen.*, 197 F. Supp. 3d 692 (D.N.J. 2016) (Seventh-day Adventist, store manager).
26. *Wimbish v. Nextel W. Corp*, 174 F. Supp. 3d 1275 (D. Colo. 2016) (Christian, retail worker).
27. *Nichols v. Ill. Dep't of Transp.*, 152 F. Supp. 3d 1106 (N.D. Ill. 2016) (Muslim, highway maintainer).
28. *Samuels v. We've Only Just Begun Wedding Chapel*, 154 F. Supp. 3d 1087 (D. Nev. 2015) (Jewish, bookkeeper).
29. *EEOC v. Jetstream*, 134 F. Supp. 3d 1298 (D. Colo. 2015) (Muslim, airline cabin cleaner).
30. *Rojas v. GMD Airline Servs.*, 254 F. Supp. 3d 281 (D.P.R. 2015) (Pentecostal, mechanic).
31. *LLoyd v. Birkman*, 127 F. Supp. 3d 725 (W.D. Tex. 2015) (Catholic, county constable).

32. *EEOC v. JBS USA, LLC*, 115 F. Supp. 3d 1203 (D. Colo. 2015) (Muslim, meat processing plant workers).
33. *Bolden v. Caravan Facilities Mgmt.*, 112 F. Supp. 3d 785 (N.D. Ind. 2015) (Baptist, janitor).
34. *EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768 (2015) (Muslim, prospective retail employee).
35. *Yeager v. FirstEnergy Generation Corp.*, 777 F.3d 362 (6th Cir. 2015) (Christian Fundamentalist, prospective intern).
36. *Muhammad v. New York City Transit Auth.*, 52 F. Supp. 3d 468 (E.D.N.Y. 2014) (Muslim, bus driver).
37. *Westbrook v. N. Carolina A & T State Univ.*, 51 F. Supp. 3d 612 (M.D.N.C. 2014) (Jehovah's Witness, university police officer).
38. *Lewis v. New York City Transit Auth.*, 12 F. Supp. 3d 418 (E.D.N.Y. 2014) (Muslim, bus driver).
39. *St. Juste v. Metro Plus Health Plan*, 8 F. Supp. 3d 287 (E.D.N.Y. 2014) (Muslim, sales representative).
40. *EEOC v. 704 HTL Operating, LLC*, 979 F. Supp. 2d 1220 (D.N.M. 2013) (Muslim, housekeeper).

41. *EEOC v. Abercrombie & Fitch Stores, Inc.*, 966 F. Supp. 2d 949 (N.D. Cal. 2013) (Muslim, prospective retail worker).
42. *Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444 (7th Cir. 2013) (African Religion, pallet loader).
43. *EEOC v. JBS USA, LLC*, 940 F. Supp. 2d 949 (D. Neb. 2013) (Muslim, meat processing plant workers).
44. *Antoine v. First Student, Inc.*, 713 F.3d 824 (5th Cir. 2013) (Seventh-day Adventist, bus driver).
45. *Telfair v. Fed. Exp. Corp.*, 934 F. Supp. 2d (11th Cir. 2014) (Jehovah's Witness, courier).
46. *EEOC v. Rent-A-Ctr., Inc.*, 917 F. Supp. 2d 112 (D.D.C. 2013) (Seventh-day Adventist, store manager).
47. *Kilpatrick v. Hyundai Motor Mfg. Ala., LLC*, 911 F. Supp. 2d 1211 (M.D. Ala. 2012) (Seventh-day Adventist, automobile repair).
48. *Porter v. City of Chicago*, 700 F.3d 944 (7th Cir. 2012) (Christian, data entry specialist).
49. *Sanchez-Rodriguez v. AT & T Mobility P.R., Inc.*, 673 F.3d 1 (1st Cir. 2012) (Seventh-day Adventist, retail sales consultant).

50. *Finnie v. Lee Cnty.*, 907 F. Supp. 2d 750 (N.D. Miss. 2012) (Pentecostal Christian, juvenile detention officer).
51. *Warren v. Shaw Grp., Inc.*, 825 F. Supp. 2d 1052 (D. Nev. 2011) (Christian, electrical and construction worker).
52. *EEOC v. Thompson Contracting, Grading, Paving, & Utilities, Inc.*, 793 F. Supp. 2d 738 (E.D.N.C. 2011) (Hebrew Israelite, dump truck driver).
53. *Fields v. Rainbow Rehab. Ctr., Inc.*, 833 F. Supp. 2d 694 (E.D. Mich. 2011) (Jehovah's Witness, rehabilitation facility assistant).
54. *Maroko v. Werner Enters., Inc.*, 778 F. Supp. 2d 993 (D. Minn. 2011) (Seventh-day Adventist, delivery truck driver).
55. *Harrell v. Donahue*, 638 F.3d 975 (8th Cir. 2011) (Seventh-day Adventist, postal worker).
56. *Johnson v. AutoZone, Inc.*, 768 F. Supp. 2d 1124 (N.D. Ala. 2011) (Seventh-day Adventist, auto parts salesperson).
57. *Slater v. Douglas Cnty.*, 743 F. Supp. 2d 1188 (D. Or. 2010) (Christian, county clerk).
58. *Jiglov v. Hotel Peabody, G.P.*, 719 F. Supp. 2d 918 (W.D. Tenn. 2010) (Russian Orthodox Christian, kitchen mechanic).

59. *Haliye v. Celestica Corp.*, 717 F. Supp. 2d 873 (D. Minn. 2010) (Muslim, factory workers).
60. *Laney v. Ohio Dep't of Youth Servs.*, 719 F. Supp. 2d (6th Cir. 2011) (Muslim, corrections officer).
61. *O'Neill v. City of Bridgeport Police Dep't*, 719 F. Supp. 2d 219 (D. Conn. 2010) (Seventh-day Adventist, police officer).
62. *EEOC v. Kelly Servs., Inc.*, 598 F.3d 1022 (8th Cir. 2010) (Muslim, machinery employee).
63. *Reed v. Int'l Union, United Auto., Aerospace & Agr. Implement Workers of Am.*, 569 F.3d 576 (6th Cir. 2009) (Christian, factory worker).
64. *Gul-E-Rana Mirza v. The Neiman Marcus Grp., Inc.*, 649 F. Supp. 2d 837 (N.D. Ill. 2009) (Muslim, sales associate).
65. *Xodus v. Wackenhut Corp.*, 619 F.3d 683 (7th Cir. 2010) (Rastafarian, prospective security guard).
66. *Webb v. City of Philadelphia*, 562 F.3d 256 (3d Cir. 2009) (Muslim, police officer).
67. *EEOC v. Sw. Bell Tel., L.P.*, 550 F.3d 704 (8th Cir. 2008) (Jehovah's Witness, technicians).

68. *Khan v. Bank of Am., N.A.*, 572 F. Supp. 2d 278 (N.D.N.Y. 2008) (Muslim, computer technician).
69. *EEOC v. Texas Hydraulics, Inc.*, 583 F. Supp. 2d 904 (E.D. Tenn. 2008) (Sabbath observer, production employee).
70. *Isse v. Am. Univ.*, 540 F. Supp. 2d 9 (D.D.C. 2008) (Muslim, bus driver).
71. *EEOC v. Firestone Fibers & Textiles Co.*, 515 F.3d 307 (4th Cir. 2008) (Living Church of God, laboratory floater).
72. *Sturgill v. United Parcel Serv., Inc.*, 512 F.3d 1024 (8th Cir. 2008) (Seventh-day Adventist, delivery truck driver).
73. *Marchant v. Tsickritzis*, 506 F. Supp. 2d 63 (D. Mass. 2007) (Jehovah's Witness, truck driver).
74. *Morrisette-Brown v. Mobile Infirmary Med. Ctr.*, 506 F.3d 1317 (11th Cir. 2007) (Seventh-day Adventist, secretary).
75. *Edwards v. Creoks Mental Health Servs., Inc.*, 505 F. Supp. 2d 1080 (N.D. Okla. 2007) (Jehovah's Witness, case manager).
76. *Tepper v. Potter*, 505 F.3d 508 (6th Cir. 2007) (Messianic Jewish, letter carrier).
77. *Francis v. Mineta*, 505 F.3d 266 (3d Cir. 2007) (religion unspecified, TSA security screener).

78. *EEOC v. Alamo Rent-A-Car LLC*, 432 F. Supp. 2d 1006 (D. Ariz. 2006) (Muslim, rental agent).
79. *Baker v. The Home Depot*, 445 F.3d 541 (2d Cir. 2006) (Christian, sales associate).
80. *Brown v. F.L. Roberts & Co.*, 419 F. Supp. 2d 7 (D. Mass. 2006) (Rastafarian, automobile technician).
81. *Rice v. U.S.F. Holland, Inc.*, 410 F. Supp. 2d 1301 (N.D. Ga. 2005) (Seventh-day Adventist, truck driver).
82. *Cloutier v. Costco Wholesale Corp.*, 390 F.3d 126 (1st Cir. 2004) (Church of Body Modification, cashier).
83. *Peterson v. Hewlett-Packard Co.*, 358 F.3d 599 (9th Cir. 2004) (Christian, office employee).
84. *Velez-Sotomayor v. Progreso Cash & Carry, Inc.*, 279 F. Supp. 2d 65 (D.P.R. 2003) (Jehovah's Witness, cashier).
85. *Booth v. Maryland*, 327 F.3d 377 (4th Cir. 2003) (Rastafarian, correctional officer).
86. *Vaughn v. Waffle House, Inc.*, 263 F. Supp. 2d 1075 (N.D. Tex. 2003) (Seventh-day Adventist, district manager).
87. *Jones v. TEK Indus., Inc.*, 319 F.3d 355 (8th Cir. 2003) (House of Yahweh, prison inmate manufacturing facility worker).

88. *Lawson v. Washington*, 296 F.3d 799 (9th Cir. 2002) (Jehovah's Witness, police cadet).
89. *EEOC v. Chemsico, Inc.*, 216 F. Supp. 2d 940 (E.D. Mo. 2002) (Church of God, International, chemical plant line worker).
90. *Virts v. Consol. Freightways Corp. of Del.*, 285 F.3d 508 (6th Cir. 2002) (Protestant Christian, truck driver).
91. *Eatman v. United Parcel Serv.*, 194 F. Supp. 2d 256 (S.D.N.Y. 2002) (Protestant Christian, truck driver).
92. *Cosme v. Henderson*, 287 F.3d 152 (2d Cir. 2002) (Worldwide Church of God, letter carrier).
93. *EEOC v. Union Independiente de la Autoridad de Acueductos y Alcantarillados de Puerto Rico*, 279 F.3d 49 (1st Cir. 2002) (Seventh-day Adventist, water and sewer department employee).
94. *Anderson v. U.S.F. Logistics (IMC), Inc.*, 274 F.3d 470 (7th Cir. 2001) (Christian Methodist Episcopal, office coordinator).
95. *Bushouse v. Loc. Union 2209, UAW*, 164 F. Supp. 2d 1066, 1067 (N.D. Ind. 2001) (Protestant Christian, automotive plant employee).

96. *Hussein v. Waldorf-Astoria*, 134 F. Supp. 2d 591 (S.D.N.Y. 2001) (Muslim, roll-call waiter).
97. *Stone v. West*, 133 F. Supp. 2d 972 (E.D. Mich. 2001) (Seventh-day Adventist, medical-ward clerk).
98. *Thomas v. Nat'l Ass'n of Letter Carriers*, 225 F.3d 1149 (10th Cir. 2000) (Church of God, letter carrier).
99. *Hussein v. Hotel Emps. & Rest. Union, Loc. 6*, 108 F. Supp. 2d 360 (S.D.N.Y. 2000) (Muslim, roll-call waiter).
100. *Durant v. Nynex*, 101 F. Supp. 2d 227 (S.D.N.Y. 2000) (Seventh-day Adventist, customer service administrator).
101. *EEOC v. Bridgestone/Firestone, Inc.*, 95 F. Supp. 2d 913 (C.D. Ill. 2000) (Baptist, tire builder).
102. *Seaworth v. Pearson*, 203 F.3d 1056 (8th Cir. 2000) (Christian, automotive repair worker).
103. *Weber v. Roadway Exp., Inc.*, 199 F.3d 270 (5th Cir. 2000) (Jehovah's Witness, truck driver).

Professional: 36/139 (26%)

104. *Kluge v. Brownsburg Cmty. Sch. Corp.*, 548 F. Supp. 3d 814 (S.D. Ind. 2021) (Christian, music teacher).
105. *Bailey v. Metro Ambulance Servs., Inc.*, 992 F.3d 1265 (11th Cir. 2021) (Rastafarian, paramedic).
106. *Kennedy v. Bremerton Sch. Dist.*, 991 F.3d 1004 (9th Cir. 2021) (Christian, high school coach).
107. *Dockery v. Maryville Acad.*, 379 F. Supp. 3d 704 (N.D. Ill. 2019) (Jewish, youth care worker at child welfare agency).
108. *EEOC v. N. Mem'l Health Care*, 908 F.3d 1098 (8th Cir. 2018) (Seventh-day Adventist, nurse).
109. *Davis v. Fort Bend Cnty.*, 765 F.3d 480 (5th Cir. 2014) (Christian, IT supervisor).
110. *Mills v. PeaceHealth*, 31 F. Supp. 3d 1099 (D. Or. 2014) (Jewish, medical laboratory technician).
111. *Tagore v. United States*, 735 F.3d 324 (5th Cir. 2013) (Sikh, IRS revenue agent).
112. *Francis v. Perez*, 970 F. Supp. 2d 48 (D.D.C. 2013) (Seventh-day Adventist, department of labor employee).

113. *Weber v. City of New York*, 973 F. Supp. 2d 227 (E.D.N.Y. 2013) (Jewish, teacher).
114. *Valenzisi v. Stamford Bd. of Educ.*, 948 F. Supp. 2d 227 (D. Conn. 2013) (Born-Again Christian, teacher).
115. *Rashad v. Wash. Metro. Area Transit Auth.*, 945 F. Supp. 2d 152 (D.D.C. 2013) (Muslim, legal secretary).
116. *Wareham v. Dollar Bank*, 937 F. Supp. 2d 658 (W.D. Penn. 2013) (Christian, vice president of loan center).
117. *Walden v. Ctrs. for Disease Control & Prevention*, 669 F.3d 1277 (11th Cir. 2012) (Christian, employee assistance counselor).
118. *Price v. Cushman & Wakefield, Inc.*, 808 F. Supp. 2d 670 (S.D.N.Y. 2011) (Jewish, real estate broker).
119. *Dixon v. The Hallmark Cos., Inc.*, 627 F.3d 849 (11th Cir. 2010) (Christian, property manager).
120. *EEOC v. GEO Grp., Inc.*, 616 F.3d 265 (3d Cir. 2010) (Muslim, nurse, intake specialist, and correctional officer).
121. *Prise v. Alderwoods Grp., Inc.*, 657 F. Supp. 2d 564, 573 (W.D. Pa. 2009) (Jewish, funeral home manager).

122. *Siddiqui v. N.Y. City Health & Hosps. Corp.*, 572 F. Supp. 2d 353 (S.D.N.Y. 2008) (Muslim, senior medical technologist).
123. *Wilkerson v. New Media Tech. Charter Sch. Inc.*, 522 F.3d 315 (3d Cir. 2008) (Christian, teacher).
124. *Krop v. Nicholson*, 506 F. Supp. 2d 1170 (M.D. Fla. 2007) (Jewish, clinical pharmacist).
125. *Berry v. Dep't of Soc. Servs.*, 447 F.3d 642 (9th Cir. 2006) (Christian, welfare counselor).
126. *Barcikowski v. Sun Microsystems, Inc.*, 420 F. Supp. 2d 1163 (D. Colo. 2006) (Catholic, finance manager).
127. *Goldschmidt v. N.Y. State Affordable Hous. Corp.*, 380 F. Supp. 2d 303 (S.D.N.Y. 2005) (Orthodox Jewish, assistant counsel).
128. *Flowers v. Columbia Coll. Chi.*, 397 F.3d 532 (7th Cir. 2005) (Rastafarian, school guidance counselor).
129. *Madsen v. Associated Chino Teachers*, 317 F. Supp. 2d 1175 (C.D. Cal. 2004) (religion unspecified, schoolteacher).
130. *O'Brien v. City of Springfield*, 319 F. Supp. 2d 90 (D. Mass. 2003) (Catholic, schoolteacher).

131. *Goldmeier v. Allstate Ins. Co.*, 337 F.3d 629 (6th Cir. 2003) (Jewish, insurance agent).
132. *Wilshin v. Allstate Ins. Co.*, 212 F. Supp. 2d 1360 (M.D. Ga. 2002) (Jewish, insurance agent).
133. *Knight v. Conn. Dep't of Pub. Health*, 275 F.3d 156 (2d Cir. 2001) (Christian, nurse consultant and sign language interpreter).
134. *Phillips v. Collings*, 256 F.3d 843 (8th Cir. 2001) (Christian, social service worker).
135. *Bruff v. N. Miss. Health Servs., Inc.*, 244 F.3d 495 (5th Cir. 2001) (Christian, counselor).
136. *Daniels v. City of Arlington, Tex.*, 246 F.3d 500 (5th Cir. 2001) (Christian, police officer).
137. *Quental v. Conn. Comm'n on the Deaf & Hearing Impaired*, 122 F. Supp. 2d 133 (D. Conn. 2000) (religion unspecified, interpreter).
138. *Shelton v. Univ. of Med. & Dentistry of N.J.*, 223 F.3d 220 (3d Cir. 2000) (Christian, nurse).
139. *Weilert v. Health Midwest Dev. Grp.*, 95 F. Supp. 2d 1190 (D. Kan. 2000) (Catholic, nurse).