

Employees' Requested Religious Accommodations Must Be Reasonable

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An employee whose religion prohibits or prevents him from performing certain job duties may ask his employer to provide an accommodation. So says Title VII. However, simply because an employee makes a particular request does not mean that the employer must grant it. The request must be reasonable.

This important proviso was recently demonstrated in *EEOC v. Thompson Contracting, Grading, Paving & Utilities*, No. 11-1897, 2012 WL 6217612 (4th Cir. Dec. 14, 2012). There, the Equal Employment Opportunity Commission sued a construction contractor on behalf a Hebrew Israelite dump truck driver who had been terminated because he refused to work on his Sabbath. The EEOC suggested that the construction contractor could have accommodated the employee by hiring hourly contract drivers to take his place or by creating a pool of substitute drivers. The Fourth Circuit Court of Appeals disagreed. Neither of those proposed accommodations were reasonable, it explained, because of the high cost associated with them. It would have cost the construction contractor eight times more per day to use independent contractor drivers, for example, than to use its own inhouse drivers.

Employers should attempt to work with employees who make reasonable requests for religious accommodations – just like they should attempt to work with employees who make reasonable requests for disability accommodations. Just because a request is made, though, does not mean that it is reasonable. And, while rejecting a request to accommodate because of the high costs associated with it can be risky, there are times when doing so is appropriate. *Thompson Contracting* makes that much clear.

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