

Flashpoints In Focus: Navigating EEOC's Religious Bias Push

By **Dawn Solowey and Michael Steinberg** (April 30, 2026)

This article is part of a monthly column that examines polarizing social, cultural or political issues that affect workplace legal considerations. In this installment, we discuss how employers can build a compliant religious accommodations program that contributes to a culture of belonging for employees amid the government's heightened focus on religious rights.

Employers face a unique risk environment with respect to religious accommodations at present. On April 6, the U.S. Equal Employment Opportunity Commission released a report in which Chair Andrea Lucas reiterated the agency's focus on defending "religious liberty by addressing unlawful bias against people of faith," and a recent EEOC-initiated suit also illustrates this priority.

Meanwhile, President Donald Trump's administration has made clear that it intends to expand religious rights in the federal workplace, which, in turn, has a downstream effect on private employers.[1] And the plaintiffs bar, as well as religious rights advocacy groups, are prioritizing litigation on religious accommodations.

The good news is that with modest, but strategic, investments in time and planning, any employer can build a compliant religious accommodations program that contributes to a culture of belonging for employees of any or no faith, while reducing the chance of litigation and providing strong defenses in the event of any lawsuit.

Case Background

In one of several recent EEOC-initiated suits, the agency alleges that a trucking company refused to accommodate a Christian driver so he could attend Sunday church services.[2] The lawsuit, EEOC v. Blue Eagle Contracting Inc., was filed on March 31 in the U.S. District Court for the District of Nevada.

According to the EEOC, the respondent mail delivery contractor hired the complainant, a driver, who informed his supervisors at the time of hire of his religious obligations on Sundays. Consequently, the complainant was originally assigned a weekday delivery route.

The EEOC alleges that, although the driver temporarily agreed to work Sunday mornings on an emergency basis when a co-worker resigned, the employer failed to return the complainant to a weekday schedule even after a replacement was hired. The agency further claims that the complainant complained about his schedule, yet the employer continued to schedule him on Sundays, whereupon the complainant resigned.

The lawsuit is part of the EEOC's increased focus on scheduling modifications and remote or hybrid work as potential accommodations for employees' religious practices.

Compliance Tips for Employers



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Start with a compliant religious accommodation policy.

Employers should begin with an updated religious accommodation policy. A well-crafted policy explains that employees can request religious accommodations and outlines how to make such a request.

Many employers have a robust medical accommodation process, but lack a parallel religious accommodation policy. It is important to check that the policy is compliant with legal standards, which have changed significantly in the past few years. For example, old policies may refer to a de minimis standard for what constitutes an undue hardship that is sufficient to deny a religious accommodation request.

This language must be updated, given that the U.S. Supreme Court's 2023 decision in *Groff v. DeJoy* unanimously clarified that the undue hardship standard means substantial additional costs in light of the operation of the business.[3]

Develop a religious accommodation request form.

Employers should develop a written religious accommodation request form. Doing so provides a consistent method for documenting each employee's request. The request form should provide an opportunity for the employee to provide a narrative response as to what accommodation is sought and to identify the religious reason for the request.

The form should also ask the employee to identify the specific workplace requirements or policies that conflict with the employee's religious beliefs or practices. Further, the form should be clear that the employee can attach additional pages, so the employee cannot later claim that they lacked adequate space to provide information.

We also recommend asking the employee if there are any alternative accommodations that would be effective. The form can help set employee expectations for the employer's response and its right to review accommodations at any time for business reasons.

Structure and prioritize the interactive process.

Once an employee identifies an alleged religious conflict with a workplace rule, the employer is required to engage in an interactive process with the employee to determine if it can provide a reasonable accommodation without undue hardship.

Employers should proactively design an approach for that interactive process, which is central to a compliant accommodation program and, when not done correctly, can be a focus in litigation. The first question is who will conduct that interactive process. Ideally, trained human resources professionals, not employees' managers, will handle the interactive process.

It is best to keep the manager's role in overseeing the employee's performance and job expectations separate from the sensitivities of the interactive process. The manager can be involved on a need-to-know basis where there are questions about what is a reasonable accommodation for the role, or where the manager needs to be apprised that an accommodation has been approved.

Another threshold question is whether the employer will use a verbal or written interactive process, or a hybrid of the two.

A written interactive process has the advantage of providing a clear written record of the exchange, and may work better for an employer with a high volume of requests.

A verbal process may allow more free-flowing dialogue, better capture the employee's authentic thoughts in real time and avoid the complexities of requests that are assisted by artificial intelligence — or copied verbatim from colleagues or from sample request language available online.

The structure for the process should also ensure prompt processing of requests. Failures in the interactive process itself — including delays, silence or lack of engagement — can increase legal risk and diminish morale.

Consider talking points for the interactive process.

Talking points for the human resources professionals who are conducting the interactive process are valuable.

A written script can help establish consistency for the interactive process across requests, as well as a respectful tone. It can also help avoid potential landmines, such as debating religious beliefs with the employee, asking overly intrusive questions or appearing to view particular religious beliefs in a negative light.

The employer can develop templated talking points for the organization's most common religious accommodation requests, such as scheduling changes for Sabbath observance and religious holidays, prayer breaks and designated prayer space or prayer rooms, and modifications to attire and grooming rules. These talking points should then be tailored to the employee's individual request.

Train managers in their responsibilities.

While managers should not have primary responsibility for managing religious accommodation requests, they should be trained as to how to conduct their role with such requests.

For example, they can be trained on religious accommodation policy so they know how to recognize when an employee may be indicating a potential need for a religious accommodation, and how to direct the employee to consult human resources and to complete a religious accommodation request form.

The Blue Eagle Contracting case illustrates why manager training is so important. Increasingly, the EEOC and private litigation are focusing on scheduling modifications and leave — including adjusted schedules, flexible scheduling, and the use of paid and unpaid leave benefits — as potential reasonable accommodations for religious practices.

Thus, while managers should not be primarily responsible for processing accommodation requests, they will often be on the front lines when it comes to implementing such accommodations. As such, it is critical that managers are both aware of any scheduling adjustments that have been approved for their employees as accommodations and that they are consistent in ensuring that such accommodations are effectively implemented.

The employer should reinforce that retaliating against an employee for requesting an accommodation is strictly prohibited.

Provide training for human resources personnel and in-house legal teams.

It is important to invest in training for human resources professionals who are handling religious accommodation requests.

The last several years have seen major shifts in the legal landscape and risk environment for religious accommodations, and trends in requests have also changed. For example, there is a trend toward requesting religious accommodations for telework, such as around religious holidays or fasting periods.

There are also more religion-based requests for exemption from diversity programming or nondiscrimination trainings, which raise novel and complex legal issues. And requests for faith-based employee resource or affinity groups are on the rise as well.

Human resources personnel should be trained on when to escalate tricky religious accommodation requests to the in-house legal team. And for that matter, the in-house team should ensure that they too are trained in the latest legal and risk developments, as well as best practices for handling religious accommodation requests.

Both the human resources and in-house legal teams, particularly, should be trained on how to evaluate what is an undue hardship in the new legal landscape. For example, there are nuanced considerations in analyzing the costs, such as overtime, impact to co-workers, and health and safety risks.

In unionized workplaces, the intersection between a collective bargaining agreement and undue hardship will merit particular attention.

Establish a process map.

A process map can help the employer chart the process by which religious accommodations will be evaluated.

The map can spell out which roles are responsible for which portions of the process, set forth time frames for each step, and detail which issues should be escalated to in-house counsel and when. The process map can link key documents, such as the religious accommodation request form and talking points, and checklists of factors to consider at key steps in the process.

The making of the map will help structure the decisions around establishing the process and, once complete, it can serve as a great training tool for managers, human resources personnel and in-house legal teams.

Document carefully.

Documenting the religious accommodation process is critical to ensure accurate recordkeeping, promote consistency and ensure appropriate proof in the event of litigation.

Employers should document the request, the interactive process, alternatives that were considered and the final decision. Employees should also receive a written approval or denial, and employers should set expectations that they may reassess decisions as business needs change.

Lastly, employers should be careful to maintain attorney-client privilege over any legal

advice from in-house counsel as to decisions about what is a reasonable accommodation or an undue hardship.

Maintain consistency.

A hallmark of a compliant religious accommodation program is that the results are reasonably consistent, while simultaneously affording each requestor the individualized process that the law requires.

The employer should take care to avoid denying religious accommodations for a particular workplace rule, while allowing comparable exceptions for medical or other secular reasons. Similarly, the employer should take care not to approve accommodations for some faiths but not others.

Conclusion

As the Blue Eagle Contracting suit illustrates, the EEOC has placed a heightened focus on employers' robust and effective engagement with employees' requests for religious accommodations.

In the 2026 risk environment, employers should invest in designing a rigorous and compliant approach to religious accommodations. Doing so will help mitigate legal risk, but it will also assist in maintaining a culture of belonging for all employees, regardless of their religious beliefs or practices.

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[1] <https://www.christianpost.com/voices/chicago-bulls-just-fired-jaden-ivey-for-being-christian.html>.

[2] <https://www.eeoc.gov/newsroom/eeoc-sues-blue-eagle-contracting-religious-discrimination>.

[3] https://www.supremecourt.gov/opinions/22pdf/22-174_k536.pdf, Groff v. DeJoy, 143 S. Ct. 2279 (2023).