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Practical Strategies for Managing Workplace Disability & Religious Accommodations in 2026

ADA, PWFA, Rehabilitation Act, and Title VII Guidance for HR and Legal Teams

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HAYNES BOONE

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AGENDA

1. The 2026 legal landscape: ADA, Rehabilitation Act, PWFA, and Title VII
2. Key regulatory and case law developments, including the PWFA
3. Managing the interactive process
4. Evaluating and documenting accommodation requests
5. Undue hardship: disability vs. religion
6. Practical risk-reduction strategies
7. Key takeaways and Q&A

DISABILITY ACCOMMODATION LANDSCAPE

- **ADA Title I:** employers with 15 or more employees must provide reasonable accommodations to qualified applicants and employees with disabilities, unless the accommodation would create an undue hardship for the employer.
- **Rehabilitation Act:** Sections 501, 503, and 504 apply ADA standards to federal agencies, federal contractors, and federal funding recipients; the accommodation analysis under Section 503 generally tracks the ADA.
- **Broad definition of disability:** post-ADAAA, the focus is on whether the employer complied, not whether the employee is "disabled enough"
- **Defense:** undue hardship = significant difficulty or expense
- **Persistent pressure points:**
  1. Remote and hybrid work requests
  2. Mental health, long COVID, and episodic conditions that come and go
  3. Leave as an accommodation (beyond FMLA)

RELIGIOUS ACCOMMODATION LANDSCAPE

- **Title VII:** employers with 15+ employees must accommodate **sincerely held religious beliefs, practices, and observances** unless doing so would cause undue hardship
- **"Religion" is broad:** includes non-traditional beliefs; need not be an organized faith or official tenet
- **No request needed:** avoiding an accommodation can't motivate a hiring decision, even if the applicant never asked for one. *See, e.g.*, *EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768 (2015)
- ***Groff v. DeJoy*, 600 U.S. 447 (2023):** undue hardship now means substantial increased costs, not a "*de minimis*" burden
- **Common request types:**
  - Scheduling, Sabbath, and holiday observance
  - Dress, grooming, and appearance
  - Objections to vaccines, trainings, or workplace speech

RELIGIOUS ACCOMMODATION SCENARIO: IT'S NOT ALWAYS OBVIOUS

- **Scenario:** Your company has a mandatory flu vaccination policy.
- **An employee tells HR:** "*I am an ethical vegan. My beliefs prohibit me from using products derived from animals, including this vaccine. I cannot receive the flu shot.*"
- **Question:** Does this request potentially trigger Title VII's religious accommodation obligations?





RELIGIOUS ACCOMMODATION SCENARIO CONT.

Answer: If your initial reaction was 'probably not,' that's exactly what the employer argued. The court disagreed.

- *Chenzira v. Cincinnati Children's Hosp. Med. Ctr.*, No. 1:11-cv-00917, 2012 WL 6721098 (S.D. Ohio Dec. 27, 2012)
- **Facts**: Hospital employee sought an exemption from a mandatory flu vaccination policy, asserting that, as an ethical vegan, receiving the vaccine conflicted with her sincerely held religious and ethical beliefs
- **Employer's Position**: Veganism is a dietary preference or philosophy; it is not a protected religion under Title VII
- **Court's Holding**:
  - The claim survived the employer's motion to dismiss.
  - The Court recognized that nontraditional beliefs could qualify for protection under Title VII.

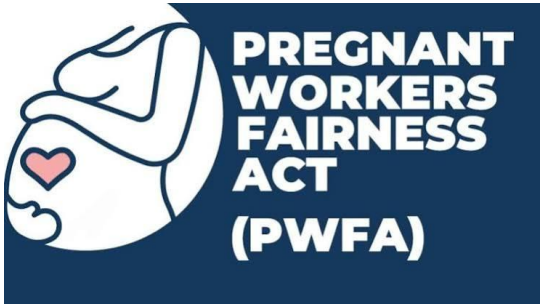
GROFF V. DEJOY, 600 U.S. 447 (2023)

- **The facts:** USPS carrier observed a Sunday Sabbath; Amazon Sunday deliveries; no swaps on 20+ Sundays; discipline; resigned and sued
- **Lower courts:** ruled for USPS under the old "more than *de minimis*" rule
- **Supreme Court (2023, unanimous):** employer must show **substantial increased costs in relation to the conduct of its business**
- **What happened next:** summary judgment denied on remand (Jan. 2025); case settled (May 2025)
- **HR Tips:** Look at your denial letters and training decks—the **"more than *de minimis" rule is out***; grumbling is not a hardship—**actual costs** are



THE PREGNANT WORKERS FAIRNESS ACT (PWFA)

- **Coverage:** employers with 15+ employees; protects applicants and employees
- **Requirement**: covered employers must reasonably accommodate known limitations related to **pregnancy, childbirth, or related medical conditions** *absent undue hardship*.
- **Familiar framework:** ADA definitions of reasonable accommodation and undue hardship; same interactive process
- **Key differences: no severity threshold (e.g., routine pregnancies are covered);** may require temporarily suspending an essential function
- **Predictable assessments—i.e., virtually always reasonable:** water nearby, extra restroom breaks, sitting or standing, breaks to eat and drink; **approve quickly; DON'T require documentation**
- **Rule in flux:** EEOC reportedly preparing a narrower rule; current rule still in effect



EMERGING ISSUES TO WATCH

- **PWFA developments:** temporary suspension of essential functions, predictable assessments, and documentation requests remain key compliance risks.
- **Mixed beliefs:** you may ask how an objection connects to religion, but you can't decide whether the belief is correct **(e.g., *"It's against my faith, and I think the policy is bad science."*)**
- **Notice is easy to give:** enough information to reveal a conflict is enough; don't wait for formal notice
- **New flashpoints:** objections to trainings, pronoun practices, and DEI programming
- **Remote work and state law:** telework history is evidence about whether in-person attendance is truly essential but is not a mandate on remote work.

THE INTERACTIVE PROCESS: BEST PRACTICES

1. **Recognize the request:** no magic words required; plain language, a manager comment, or a doctor's note can trigger the duty
2. **Respond promptly:** acknowledge in writing and route to a designated owner (HR, not the line manager); **managers should inform the decision but should not make them alone**
3. **Gather information:** understand the limitation or belief and how it affects specific job duties
4. **Explore options:** consider multiple accommodations; invite the employee's ideas
5. **Decide and communicate:** explain the decision; offer alternatives if the request is denied
6. **Follow up:** confirm the accommodation is working; revisit as needs or roles change; *this is the step most often skipped*

THE INTERACTIVE PROCESS: COMMON PITFALLS

- **Ignoring informal requests:** waiting for a form or the “right” words
- **Delay:** weeks of silence look like denial
- **Managers deciding alone:** inconsistent outcomes and discriminatory comments
- **Over-requesting medical information:** asking for diagnoses or full records rather than limitations
- **All-or-nothing responses:** rejecting the requested accommodation without exploring alternatives
- **Closing the file too early:** failing to revisit when an accommodation is not working
- **Retaliation risk:** requesting an accommodation is protected activity; if an employee requests an accommodation and is written up two weeks later, ***the timing will draw scrutiny***

EVALUATING DISABILITY REQUESTS

- **Is the disability or need for accommodation obvious?** If so, documentation may be unnecessary (e.g., employee in a wheelchair asks for an accessible work station—you don't need a doctor's note)
- **If not obvious, request reasonable documentation:** limitations, duration, and how they affect job functions; do not ask for complete medical records
- **Identify essential functions:** current job description, **actual practice**, and business judgment
- **Assess effectiveness:** does the option remove the barrier for this employee in this role?
- **Keep medical information confidential:** separate files and need-to-know access
- **Leave and reassignment:** consider extended leave and vacant positions as potential accommodations

DISABILITY SCENARIO: REMOTE WORK

- **The request:** ***"Since I had long COVID, I get flare-ups of fatigue and brain fog a few times a month. With the new four-day return-to-office policy, I don't think I can keep up. Can I stay fully remote?"***
- **Context:** team lead with three years of strong remote performance
- **Walk through the process:**
  - Recognize the request and route it to HR
  - Request documentation of limitations because condition is *not* obvious, but not full medical history
  - Test whether in-person work is truly essential today
  - Explore alternatives: e.g., hybrid schedule, flare-up remote days, later start, quieter workspace
  - Document the decision and set a check-in date

EVALUATING RELIGIOUS REQUESTS

- **Presume sincerity:** most requests should be accepted at face value
- **Limited inquiry is permitted** when there is an **objective basis** to question sincerity or religious nature
  - **Example:** *An employee requests every Sunday off for religious observance. The employer discovers the employee has regularly worked Sundays for years and recently posted on social media that the real reason for the request is participation in a recreational sports league*
- **Relevant factors:** behavior inconsistent with the belief, timing, and whether the benefit is sought for secular reasons
- **Do not judge the belief:** it need not be "acceptable, logical, consistent, or comprehensible to others"
- **Beliefs may be new or idiosyncratic:** however, purely secular or political views are ***not*** protected
- **Focus on the conflict:** what job requirement conflicts with the belief, and what options exist?

DOCUMENTING THE PROCESS

- **Create a contemporaneous record:** date of request, every communication, and every option considered
- **Use standardized forms, but do not require them** as a precondition to engaging
- **Record the reasons:** why an option was granted, modified, or rejected
- **Quantify hardship:** actual costs, staffing data, and operational impact
- **Written determination:** summarize the decision and offered alternatives
- **Track trends:** log requests and outcomes to ensure consistency

UNDUE HARDSHIP: DISABILITY VS. RELIGION

	ADA / Rehabilitation Act	Title VII (Religion)
Standard	Significant difficulty or expense	Substantial increased costs in relation to the conduct of the particular business
Source	Statute and EEOC regulations	Groff v. DeJoy (2023)
Key factors	Nature and cost; overall financial resources; size; type of operations	Practical impact in light of nature, size, and operating cost of the business
Coworker impact	Relevant to operations	Relevant only if it affects the conduct of the business; religious animus never counts
Proof required	Individualized, evidence-based	Individualized, evidence-based; must consider alternatives

APPLYING UNDUE HARDSHIP IN PRACTICE

- **Start with alternatives:** voluntary shift swaps, schedule changes, and partial accommodations
- **Quantify, do not speculate:** overtime costs, staffing shortfalls, safety data, and lost productivity
- **Screening questions:** cost, safety risk, business impact, duration, and how many employees seek the same accommodation
- **Coworker impact, two-part test:** (1) is there a negative impact on coworkers, and (2) does it affect the conduct of the business?
- **Other potential hardships:** violating the law, hiring a replacement, paying an employee not to work, or permitting discriminatory conduct toward others
- **Revisit hardship over time:** a denial today may not be justified next year
- **Involve counsel before denial,** especially for religious requests post-*Groff*

PRACTICAL RISK-REDUCTION STRATEGIES

- **Update policies:** separate or integrated disability, pregnancy, and religious accommodation policies reflecting Groff and the PWFA
- **Train managers:** recognize requests, escalate promptly, and avoid retaliation
- **Centralize decision-making:** a designated team with legal escalation paths
- **Refresh job descriptions:** confirm essential functions reflect current operations
- **Audit the file:** periodic review of open requests, denials, and response times
- **Coordinate leave and accommodation:** align FMLA, state leave, PWFA, and ADA processes
- **Address state and local law:** California, New York City, and other stricter regimes

KEY TAKEAWAYS

1. **Process wins cases:** prompt, good-faith, documented engagement
2. **Religion is no longer an easy "no":** *Groff* requires substantial, provable costs
3. **Ask for what you need, not what you want:** targeted documentation only
4. **Explore alternatives** before any denial
5. **Revisit decisions** as jobs, technology, and law evolve

QUESTIONS?

Want to chat about what you just heard?



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Q&A



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Thank You

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