



## News Release

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### **Snohomish Eight Ask U.S. Supreme Court to Correct Ninth Circuit's Misapplication of Title VII**

*Snohomish Regional Fire & Rescue denied eight firefighters' request for religious accommodation from the COVID-19 vaccine and placed them on leave.*

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**Washington, D.C.**—First Liberty Institute, Williams & Connolly, Church State Council, and Jennifer W. Kennedy filed a petition at the Supreme Court of the United States asking the Justices to reverse a decision by the U.S. Court of Appeals for the Ninth Circuit that sided with Snohomish Regional Fire and Rescue ("SRFR") upholding its decision to refuse religious accommodation to eight firefighters known as the Snohomish Eight. SRFR claimed that providing a COVID-19 vaccine accommodation would have imposed an undue hardship on the fire station, so they placed the firefighters on indefinite leave.

You can read the petition [here](#).

"Punishing first responders because of their religious beliefs is not only despicable, it's illegal," stated Senior Counsel for First Liberty Institute, Cliff Martin. "The U.S. Supreme Court made it clear in the *Groff* decision that employees must be granted a religious accommodation unless the employer faces 'substantial increased cost,' a standard that the fire department has yet to prove in this case."

Lisa Blatt, Partner at Williams & Connolly said, "Employers must accommodate their employees' religious beliefs unless the accommodation would actually impose an undue hardship. Allowing an employer to refuse accommodations based on a mistaken belief that accommodation would impose an undue hardship denies employees their rights."

Alan Reinach of Church State Council said, "First responders shouldn't have to sacrifice their faith in order to serve their communities. *Groff* decisively raised the bar for protections for religious employees, but the Ninth Circuit's ruling here has lowered it."

Attorney Jennifer W. Kennedy said, "This case reaches far beyond our eight firefighters. We're fighting to secure the religious freedom that every employee in America deserves."

Eight firefighters working at Snohomish Regional Fire and Rescue requested a religious accommodation from the COVID-19 vaccination mandate due to their sincere religious beliefs. SRFR rejected their request, however, claiming health and safety risks as an undue hardship. Even though the firefighters submitted to various risk mitigation measures including masking, testing, and social distancing, all eight men were left unaccommodated, placed on unpaid leave, and forced to find other jobs with neighboring fire departments in and out of Snohomish County. Surprisingly, none of these other fire

stations had a problem accommodating the men. Moreover, vaccinated SRFR firefighters continued to engage in mutual-aid scenarios where they worked shoulder to shoulder with unvaccinated responders from the accommodating departments, proving SRFR’s “health concerns” reasoning dubious. This petition gives the Supreme Court the opportunity to clarify that an employer must accommodate religious beliefs unless the employer can show actual undue hardship, not just a reasonable concern of undue hardship.

In 2023, in a unanimous decision, the Supreme Court of the United States granted a victory to former postal carrier and First Liberty client Gerald Groff against the United States Postal Service after Groff lost his job for observing the Sunday Sabbath. The decision strengthened legal protections for employees seeking religious accommodations, holding that federal law requires workplaces to accommodate their religious employees unless doing so would cause significant difficulty or expense on the business. Previously, employers could avoid granting religious accommodations to employees of faith simply by pointing to trifling, minimal, or “de minimis” effects.

In the petition, attorneys argue, “The question presented is critically important. As this case exemplifies, the reasonable-concern-of-hardship rule ... will often make it impossible for employees to get past an employer’s motion for summary judgment, even when the evidence is plainly sufficient for a jury to find that the accommodation would not inflict any undue hardship at all. That undermines *Groff* and thwarts Congress’ guarantee of religious freedom in the workplace. If, as the Ninth Circuit held below, empirical evidence disproving an employer’s claimed undue hardship is not good enough to create a triable issue of fact under the Ninth Circuit’s rule, it is hard to see what could. The issue is also frequently recurring—six courts of appeals have already confronted the issue in the three years since *Groff*. Employees’ religious rights under federal law should not be so easily circumvented....”

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### **About First Liberty Institute**

[First Liberty Institute](#) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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