

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

HAROLD C. WILLIAMS, Jr.;
TOBY HIGA; DANIELA
MARIANU; ANGELA LOGHRY;
IVAN ATANASSOV; RISA
BRODY; AIMEE SWEET;
DAMARIS BRICI; BRIANNA
HALL,

Plaintiffs - Appellants,

v.

LEGACY HEALTH, a public benefit
corporation; NORTHWEST ACUTE
CARE SPECIALISTS, an Oregon
professional corporation; DOES 1-10,

Defendants - Appellees.

No. 24-5977

D.C. No.
3:22-cv-06004-
TMC

OPINION

Appeal from the United States District Court
for the Western District of Washington
Tiffany M. Cartwright, District Judge, Presiding

Submitted November 20, 2025*

* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Seattle, Washington

Filed May 6, 2026

Before: M. Margaret McKeown, Richard A. Paez, and
Roopali H. Desai, Circuit Judges.

Opinion by Judge McKeown

SUMMARY**

Employment Discrimination

The panel affirmed the district court’s summary judgment in favor of Legacy Health in a Title VII action brought by Legacy employees who were denied religious exemptions from a COVID-19 vaccination policy.

The panel held that Title VII requires employers to make reasonable accommodations for their employees’ religious beliefs unless doing so would cause “undue hardship” to the employer’s business. Under *Groff v. DeJoy*, 600 U.S. 447 (2023), showing more than a *de minimis* cost is insufficient to establish undue hardship under Title VII. Rather, undue hardship is shown when a burden is substantial in the overall context of an employer’s business. Under *Petersen v. Snohomish Reg’l Fire & Rescue*, 150 F.4th 1211 (9th Cir. 2025), the substantial additional costs need not be exclusively monetary. They can extend to health and safety

** This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

costs and operational burdens as well as traditional financial burdens. In addition, costs need not be realized prior to raising an undue-hardship defense. A risk of undue hardship will suffice, provided it is realistic and not merely conceivable or hypothetical.

The panel concluded that Legacy, a regional healthcare system, showed undue hardship in the context of the COVID-19 Delta variant and a predicted surge of hospitalizations across Legacy's locations. Granting the employees' exemption requests posed three risks. First, there was a risk that the employees would become ill and cause staffing issues from their absence. Second, the employees' risk of infection posed concerns for other staff needed to treat patients. Finally, the transmission risk would also affect Legacy's patient population. Taken together, Legacy's "realistic" concerns threatened a "substantial" burden on its business of providing quality healthcare.

COUNSEL

Corey E. Parker, The Appellate Law Firm, Seattle, Washington; Tracy Tribbett, Pacific Justice Institute, Pasco, Washington; for Plaintiffs-Appellants.

Whitney A. Brown, Stoel Rives LLP, Anchorage, Alaska; Adam S. Belzberg and Aaron R. Doyer, Stoel Rives LLP, Seattle, Washington; Benjamin J. Stone, Kylene Slocum, and Kimberly A. Holdiman, Lewis Brisbois Bisgaard & Smith LLP, Seattle, Washington; for Defendants-Appellees.

OPINION

McKEOWN, Circuit Judge:

This appeal involves yet another challenge to an employer’s COVID-19 vaccine requirement. Legacy Health (“Legacy”) adopted a vaccination policy for its eight Washington- and Oregon-area hospitals in August 2021, at the onset of the COVID-19 Delta variant. The plaintiffs in this action—all current or former Legacy employees (“Employees”)—were denied religious exemptions from that policy.¹ Employees raise religious discrimination claims under Title VII of the Civil Rights Act and Washington state law. Relevant here, Title VII requires employers to make reasonable accommodations for their employees’ religious beliefs unless doing so would cause “undue hardship” to the employer’s business. 42 U.S.C. § 2000e(j). The district court granted summary judgment to Legacy on undue-hardship grounds, finding that Employees failed to dispute Legacy’s evidentiary showing that their requested vaccine exemptions would impose a substantial burden on Legacy’s business of providing quality healthcare.

While we have considered many similar challenges, we have had few opportunities to apply the test for Title VII “undue hardship” set out by the Supreme Court in *Groff v. DeJoy*, 600 U.S. 447 (2023). In *Groff*, the Court held that “showing ‘more than a *de minimis* cost’” is insufficient “to establish ‘undue hardship’ under Title VII.” *Id.* at 468. Rather, “‘undue hardship’ is shown when a burden is

¹ One plaintiff, Toby Higa, worked for Northwest Acute Care Specialists, which contracted him to work at one of Legacy’s facilities. Northwest is also a party. All agree that Higa’s claims rise and fall with the other Employees’ claims, so we consider those claims together.

substantial in the overall context of an employer's business.”
Id. Because Legacy made that showing, we affirm.

Background

Legacy is a regional healthcare system that operates eight hospitals throughout the Willamette Valley. Employees all worked at Legacy's Salmon Creek medical center in Vancouver, Washington. While their particular jobs varied—from physician assistant, to respiratory therapist, to nurse, to technician—Employees' roles shared an important feature: They necessitated close contact with either patients or staff.

On August 5, 2021, shortly before Washington imposed its own, complementary requirement, Legacy announced a vaccination policy across its hospitals. Legacy had previously encouraged voluntary vaccination. But it changed course in summer 2021 with the onset of the Delta variant, which caused a surge of infections and hospitalizations, particularly among unvaccinated individuals. Legacy's vaccination policy required anyone who performed services at its hospitals to become fully vaccinated or receive an exemption by September 30, 2021. The policy created a process for requesting religious or medical exemptions and established a working group to review such requests.

Employees all submitted timely applications for religious exemptions, but Legacy denied those requests. Consistent with the vaccination policy, Legacy placed Employees on administrative leave and notified them that termination would follow. Higa received the vaccine shortly after going on leave and later returned to work. All other Employees were terminated.

Employees filed separate suits alleging religious discrimination under Title VII and Washington state law. The district court consolidated those suits in this action, the case proceeded to discovery, and the district court granted summary judgment for Legacy. The court assumed that Employees made out a prima facie case of religious discrimination based on Legacy's failure to accommodate Employees' religious beliefs. But it found that the vaccine exemption denials were justified because Legacy had established the affirmative defense of undue hardship, and Employees had failed to present relevant evidence disputing Legacy's showing. In the district court's view, uncontroverted evidence showed that accommodating Employees' beliefs would impose "outsize[d] risks" to Legacy's patients and staff, thereby "jeopardizing [Legacy's] ability to provide healthcare" in a safe and effective manner.

Analysis

I. Title VII Framework

Title VII forbids employers from discriminating against employees based on "religion," among other protected characteristics. 42 U.S.C. § 2000e-2(a). In practice, Title VII's antidiscrimination mandate requires an employer "to reasonably accommodate" an employee's "religious observance or practice" unless doing so would cause "undue hardship" to "the conduct of the employer's business." *Id.* § 2000e(j).²

² Washington courts "look to federal case law interpreting" Title VII's ban on discrimination based on "religion" to "guide [their] interpretation of the [Washington Law Against Discrimination's]" bar on discrimination based on "creed." *Kumar v. Gate Gourmet Inc.*, 325 P.3d

Title VII religious discrimination claims follow a well-established burden-shifting framework. The employee must first make out a prima facie case of “a bona fide religious belief” that conflicted “with an employment duty.” *Heller v. EBB Auto Co.*, 8 F.3d 1433, 1438 (9th Cir. 1993). The employer must have been “informed . . . of the belief,” and have threatened or taken discriminatory action. *Id.* The burden then shifts to the employer to show “either that it initiated good faith efforts to accommodate reasonably the employee’s religious practices or that it could not reasonably accommodate the employee without undue hardship.” *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1215, 1224 (9th Cir. 2023) (quoting *Tiano v. Dillard Dep’t Stores, Inc.*, 139 F.3d 679, 681 (9th Cir. 1998)). As that language makes clear, the good-faith-effort and undue-hardship defenses are independent of each other. An employer need not make “an effort [to accommodate] if it can show that any accommodation would impose undue hardship.” *Heller*, 8 F.3d at 1440; *E.E.O.C. v. Townley Eng’g & Mfg. Co.*, 859 F.2d 610, 615 (9th Cir. 1988).

This appeal turns on the employer’s burden to demonstrate undue hardship. Like the district court, we assume without deciding that Employees put forth a prima facie case of discrimination. *E.g.*, *Crowe v. Wormuth*, 74 F.4th 1011, 1036 (9th Cir. 2023). Because Legacy does not argue that it attempted to accommodate Employees’ objections to vaccination, the only question is whether an accommodation would have caused undue hardship to Legacy’s business.

193, 197 (Wash. 2014). So, we consider Employees’ federal and state law claims together.

The Supreme Court clarified the standard for “undue hardship” in *Groff*. The Court swept aside its prior suggestion that anything “more than a *de minimis* cost” would suffice, *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63, 84 (1977), and held that Title VII requires a “burden [that] is substantial in the overall context of an employer’s business.” *Groff*, 600 U.S. at 468. That inquiry is “fact-specific” and requires courts to “account [for] all relevant factors in the case at hand, including the particular accommodations at issue” and the accommodations’ “practical impact” given the “nature, size, and operating costs” of the employer. *Id.* at 468, 470–71 (citation modified). The Court declined to “elaborat[e]” much on that standard. *Id.* at 471. But it did offer one example: Faced with the *Groff* plaintiff’s exemption request for his Sunday Sabbath practice, an employer could not establish undue hardship simply by asserting that the exemption would cause other employees to work “overtime.” *Id.* at 473. The employer would have to spell out the proposed accommodation’s “ramifications” for its business and consider mitigating “options.” *Id.* at 472, 473.

We recently applied the *Groff* test in *Petersen v. Snohomish Regional Fire & Rescue*—a case very similar to this one. 150 F.4th 1211 (9th Cir. 2025). In *Petersen*, a group of firefighters requested religious exemptions from a newly imposed COVID-19 vaccine requirement. *Id.* at 1213–14. Their employer denied the exemptions, however, because it could not find a reasonable accommodation “that would allow [the] firefighters to remain in their roles” without undue hardship. *Id.* at 1214. We held that the employer adequately justified the denials under *Groff* based on various hardships, including the health risk to fellow firefighters and the public, the “operational cost” that would result if other

firefighters were infected, and the “textbook economic hardship” of losing a “lucrative contract” to provide emergency medical services. *Id.* at 1220–21. That showing, combined with “unrebutted medical evidence” regarding the “inadequacy of [the firefighters’] proposed accommodation,” cleared the substantial-burden bar. *Id.* at 1222.

Our decision in *Petersen* crystalized several aspects of the *Groff* test. To start, the “substantial additional costs” the Supreme Court referred to need not be exclusively monetary. *See Groff*, 600 U.S. at 469. They can extend to “health and safety costs” and “operational burdens” as well as traditional “financial burdens.” *Petersen*, 150 F.4th at 1218; *see also Groff*, 600 U.S. at 475 (Sotomayor, J., concurring) (explaining that “undue hardship on the conduct of a business may include undue hardship on the business’s employees”). Next, costs need not be realized prior to raising an undue-hardship defense. A “risk of undue hardship” will suffice—provided it is “realistic” and “not ‘merely conceivable or hypothetical.’” *Petersen*, 150 F.4th at 1222 (quoting *Townley*, 859 F.2d at 615). Finally, we do not “judge [a given employer] by the responses taken by other [employers].” *Id.* The test boils down to undue hardship in the context of the “*particular* business” before us. *Groff*, 600 U.S. at 470 (emphasis added).

II. Legacy’s Summary Judgment Showing

Legacy’s undue-hardship showing readily satisfies the *Groff* standard. At the time it denied Employees’ exemption requests, Legacy forecast an acute strain on its business of providing safe and effective medical care to the public. The COVID-19 Delta variant had just emerged, and Legacy predicted a surge of hospitalizations across its eight

locations. In that context, Legacy reasonably sought to ensure that its employees were vaccinated. The statistical evidence available to Legacy revealed that high vaccination rates, while not a panacea, reduced overall transmission risk. Vaccination also proved highly effective at preventing infection in the healthcare setting, where other measures like social distancing were impractical or “impossible,” as one expert explained. By contrast, Legacy’s un rebutted epidemiological expert evidence showed that unvaccinated “frontline workers,” like Employees, faced a unique risk of infection—and that any infections could contribute to “significant outbreaks among patients [and] colleagues.”

Based on Legacy’s showing, granting Employees’ exemption requests posed three distinct risks. First, there was a risk that Employees would become ill and cause staffing issues from their absence. Second, much like the firefighters in *Petersen*, Employees’ risk of infection posed concerns for other staff needed to treat patients. Finally, the transmission risk would also affect Legacy’s patient population, many of whom had preexisting conditions—or comorbidities—which could cause an even greater strain on Legacy’s services. At several points in the record, Legacy’s expert examined alternative safety protocols—including masking, using other personal protective equipment, and regular testing—and concluded at each turn that those alternatives were not “sufficient replacement[s] for vaccination.”

Taken together, Legacy’s “realistic” concerns threatened a “substantial” burden on its business of providing quality healthcare. See *Petersen*, 150 F.4th at 1222. It is true, as Employees point out, that Legacy did not assert that vaccine exemptions would cause prohibitive financial hardship. But while that type of hardship may be sufficient, it is not

necessary. “Health and safety costs” matter, too. *Id.* at 1218. And in the context of Legacy’s particular business, they make all the difference.

Employees’ attempts to poke holes in Legacy’s hardship showing fall flat. Contrary to their suggestion, this is not a case where Legacy relied on “generalized assertions” of hardship. Employees are also wrong to argue that this case is controlled by our decisions regarding other types of businesses. As *Groff* explained, we must conduct the hardship inquiry “in light of the nature” of the employer. 600 U.S. at 470. Similarly, it is not enough to point, as Employees do, to other hospitals that granted religious exemptions from vaccination. Those hospitals are “not before us,” *Petersen*, 150 F.4th at 1222, and the evidence related to Legacy’s “particular business” amply justified its hardship determination, *Groff*, 600 U.S. at 470. Legacy’s particularized determinations underscore that this is not a one-size-fits-all situation.

Employees also criticize Legacy’s use of pre-vaccine data to assess the risk of COVID-19 transmission. Employees speculate that *post*-vaccine data may have demonstrated that “accommodating a small number of religious objectors” posed little risk. But in *Petersen*, we rejected that form of “hindsight” reasoning. 150 F.4th at 1222. Instead, we ask whether the employer “relied on the scientific evidence and COVID data then available.” *Id.*; see also *Rodrique v. Hearst Commc’ns, Inc.*, 126 F.4th 85, 91 (1st Cir. 2025) (explaining that employer “acted reasonably” in relying “on the objective, scientific information available to [it]” when denying religious exemption from vaccination requirement (quoting *Bragdon v. Abbott*, 524 U.S. 624, 649 (1998))). Employees point to no evidence in the record that

contradicted Legacy's contemporary assessment, so their argument fails.

III. Employees' Other Arguments

Even assuming undue hardship to Legacy, Employees contend in the alternative that summary judgment was improper because a dispute remains about whether Legacy considered all alternative accommodations in good faith. We disagree.

Employees initially object that Legacy's "blanket denials" of their exemption requests preclude an undue-hardship defense. In Employees' view, Legacy had to afford "individualized consideration" to Employees' proposed accommodations. But we have squarely rejected the view "that an employer cannot bring up 'undue hardship' unless it first proves that it made good faith efforts to accommodate the employee's [religious] practice." *Townley*, 859 F.2d at 614. The rationale is a simple one: If no accommodation is possible without undue hardship, then consideration of a particular accommodation is an exercise in futility. *Id.* at 614–15; *see also Ansonia Bd. of Educ. v. Philbrook*, 479 U.S. 60, 68–69 (1986) (explaining that undue hardship is at issue only where the employer cannot "offer *any* reasonable accommodation without such hardship" (emphasis added)). We have thus explained that "undue hardship" serves as a complete defense to a Title VII claim even if there was "no attempt at accommodation" at all. *Townley*, 859 F.2d at 615 n.7 (collecting cases).

Employees also argue that Legacy failed to consider the full universe of reasonable accommodations in its hardship inquiry. They echo a portion of *Groff* where the Supreme Court explained that employers cannot selectively assess "a particular possible accommodation." 600 U.S. at 473. The

Court cited approvingly the Seventh Circuit’s decision in *Adeyeye v. Heartland Sweeteners, LLC*, which explains that employers must show that “any and all [reasonable] accommodations would have imposed an undue hardship.” 721 F.3d 444, 455 (7th Cir. 2013). But Legacy did not cherry-pick its accommodation analysis and it easily satisfies the hardship standard. The undisputed evidence demonstrates that any method of accommodating Employees’ objections to vaccination—while maintaining their conditions of employment—would have resulted in undue hardship to Legacy. Legacy’s expert explained that there was “no effective alternative to vaccination” in the healthcare context, not to mention a setting where Employees must come into close personal contact with patients and staff. Employees offered nothing to rebut Legacy’s categorical showing. On that record, no reasonable juror could conclude that a reasonable accommodation existed that remedied Legacy’s legitimate concerns.

AFFIRMED.