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What Employers Can Learn from the EEOC's Latest Religious Discrimination Filings

As mentioned in our [earlier post](#), the EEOC recently filed two lawsuits alleging religious discrimination and failure to reasonably accommodate employee religious observances. These cases underscore obligations for employers in handling religious accommodation requests, with key points outlined below.

EEOC v. Cemex Construction Materials Florida, LLC: Dress Code Accommodation

On June 4, 2025, the EEOC filed a lawsuit against Cemex Construction Materials Florida, LLC in the Middle District of Florida, alleging that Cemex failed to explore all viable possibilities to accommodate her requested modification to the company dress code.

According to the EEOC, Amanda Textor, a female truck driver and member of the Apostolic Christian faith, was terminated after Cemex denied her request for a religious accommodation to wear a skirt over her work pants. Textor explained that her faith requires women to wear skirts or dresses in public.

Cemex's safety protocols prohibit "loose-fitting" clothing. Textor alleges that she complied with these safety protocols by wearing a form-fitting, spandex-like knee-length skirt – i.e., not a loose or flowy material. Importantly, the EEOC also maintains that Textor's skirt did not violate this safety rule.

The EEOC alleges that at least two levels of management observed her wearing the skirt on the job and allowed her to continue working (or did not raise concern), effectively acquiescing to the accommodation. However, Human Resources intervened asserting that the skirt was "loose" and posed a safety risk. Textor offered to wear a shorter skirt to address any concern, but the company allegedly refused. When she again reported to work in the same or similar spandex-like skirt, she was told to leave and was subsequently terminated.

The EEOC also contends that the same HR representative untruthfully told Ms. Textor that the company had no open positions that would permit her to wear a skirt, despite the fact that Cemex had an open dispatcher position at the time and Ms. Textor had prior dispatching experience.

EEOC v. Omni Hotels: Scheduling Accommodation and Retaliation

On June 26, 2025, the EEOC sued Omni Hotels Management Corporation in the Northern District of Illinois, alleging that an employee, Donovan Lewis, requested an accommodation to not work on Sundays so he could observe his Sabbath. Initially, Omni granted Lewis's request, allowing another employee to cover the Sunday shift. According to the Complaint, however, Omni rescinded

the accommodation a few months later and told Lewis he must either switch to the night shift, which would entail reduced pay and seniority, or be demoted to part-time status. Lewis transitioned to part-time as it would allow him to have Sunday off.

As if that wasn't bad enough, the EEOC contends that the hotel piled on by significantly reducing his working hours, sometimes not scheduling him at all for weeks at a time, which resulted in a loss of benefits, including health insurance

Key Takeaways for Employers

Absent “Undue Hardship,” Reasonable Accommodations are Required.

Employers must provide reasonable accommodation (*e.g.*, schedule changes, dress code, etc.) for sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship, which, per the Supreme Court's decision in *Groff v. DeJoy*, means the employer would be required to undertake a substantial cost or operational burden to its business overall.

Beware the Sudden or Unexplained Reversal of Accommodations

In both *Cemex* and *Omni Hotels*, the EEOC alleges that the requested accommodation was approved or granted, then revoked, which implies the accommodations sought were reasonable. We're not suggesting that employers favor denying requests to avoid this fact pattern. Rather, employers need to communicate clearly, and often in writing, when they're going to grant an accommodation on a trial basis, or when a change in circumstances dictates that an accommodation that was once reasonable no longer is. (And, in fairness to *Cemex* and *Omni Hotels*, they may have done just that; all we have in front of us for now is the EEOC's side of the story). Clear, consensus-building communications will help keep animosity at bay.

Retaliation Can Occur Even After a Request is Granted

Taking negative action against an employee for requesting accommodation constitutes retaliation. It is not uncommon for a member of the supervisory team (or, according to the EEOC in the *Cemex* case, even a member of HR) to feel aggrieved by a decision to make a legally-advisable accommodation, and for that individual to ratchet up their scrutiny of the requesting employee's work, often right at the time when the rest of HR and management consider the situation resolved and no longer have the employee on their radar. Increased formal or informal disciplinary action, unexplained demotions, or punitive schedule changes after a request may violate the law (and put you on the EEOC's radar).

Engage in an Interactive Process.

Even if the employee's initial proposal would clearly impose an undue hardship, the employer remains obligated to exhaust other solutions. Employers must engage in an interactive process to seek mutually acceptable solutions.

Avoid Rigid Policies and Blanket Denials.

Uniform policies like dress codes or standard schedules cannot override obligations under Title VII. We recommend employers outline a single accommodation request process applicable to requests for religion, pregnancy, and disability in their EEO policy. Finally, employers must train appropriate managers and staff not to reject requests for accommodation without HR and/or legal consultation.

If you have any questions or would like additional information, please contact McKenzie Meade at 205-323-9279 or mmeade@lehrmiddlebrooks.com.