

## Manager Workplace Religious Accommodation Toolkit:

(Your guide to resolving the potential conflict between religious practices and workplace requirements)

<b>Question:</b>	<b>Answer:</b>
<b>What is a religious accommodation?</b>	A religious accommodation addresses the conflict that may arise between an employee or applicant's religious practices and the requirements of his or her position, without posing undue hardship for the employer.
<b>What is an undue hardship?</b>	An undue hardship occurs when an employer accommodates an employee or applicant's religious practices and incurs more than minimal costs.
<b>What law(s) require that the NIH provide employees with religious accommodations?</b>	Title VII of the Civil Rights Act of 1964 prohibits religious discrimination and requires that employers reasonably accommodate employee and applicant religious practices.  Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government. In 1972 Title VII was amended to require that employers reasonably accommodate religious practices.
<b>What religions must be afforded a religious accommodation?</b>	Religious accommodations are not limited to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism. Persons who hold sincerely held religious belief are afforded religious accommodation as well.
<b>What factors may undermine an employee's assertion the he or she sincerely holds a religious belief?</b>	The definition of religion is broad. Therefore, employers should assume good faith when receiving religious accommodation requests. Although, assuming good faith is a best practice there are factors, alone or in combination, that may mitigate an employee's sincerity. They are: <ul style="list-style-type: none"><li data-bbox="613 1717 1365 1793">• If the employee's behavior is starkly inconsistent with his or her professed belief(s);</li></ul>

	<ul style="list-style-type: none"> <li>• If the requested accommodation provides a particularly desirable benefit that is likely sought for secular reasons</li> <li>• If the timing of the request is suspicious. For example the same employee made the same request for secular reasons.</li> <li>• And whether the employer has other reasons to believe the accommodation is not sought for religious reasons.</li> </ul>
<p><b>What if a co-worker(s) complain about an accommodation given to another employee?</b></p>	<p>It would all depend on the nature of the complaints. If a religious accommodation is met with resentment and jealousy by co-workers it is still a viable solution. If a religious accommodation infringes on co-workers' ability to perform their tasks or creates a hostile work environment the accommodation will likely qualify as an undue hardship and therefore not a reasonable accommodation.</p>
<p><b>Must an employer provide an employee with his or her preferred method of accommodation if it does not cause an undue hardship?</b></p>	<p>No. An employer is not required to provide an employee with his or her preferred method of accommodation even if that accommodation would not pose an undue hardship. An employer's sole obligation is to provide a reasonable religious accommodation.</p>
<p><b>Must an employer permit an employee's religious expression?</b></p>	<p>The Equal Employment Opportunity Commission states that an agency should allow religious expression among employees to the same extent that other types of personal expression are allowed. These expressions are permitted as long as they are not harassing or disruptive to other employees. Once an agency is put on notice of objectionable religious conduct it should take steps to end the conduct, even if conduct is not regarded as abusive it can become sufficiently severe or pervasive to affect the conditions of employment if allowed to persist in the face of an employee's objection. <a href="#">EEOC Best Practices for Eradicating Religious Discrimination in the Workplace.</a></p>

Area:	Key Points:
<b>Definition of a religion</b>	<ul style="list-style-type: none"> <li>• The EEOC has determined religion typically concerns “ultimate ideas” about “life, purpose, and death.” Social, political, or economic philosophies, as well as mere personal preferences, are not “religious” beliefs protected by Title VII.</li> <li>• Therefore just because a set of beliefs does not bother others does not mean that we must accommodate them they must meet the requirements of what constitutes a religion. The EEOC has struck down instances where a person’s beliefs were single faceted.</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>• Title VII covers both traditional and nontraditional religious beliefs including those that are new, uncommon, unaffiliated with a formal religious institution, or seem illogical or unreasonable to others.</li> </ul>
<b>Number of believers</b>	<ul style="list-style-type: none"> <li>• A religion is not defined by the number of its followers but the level of sincerity of its believer(s). Therefore, a religion may be followed by a few people or a single person.</li> </ul>
<b>Preferences</b>	<ul style="list-style-type: none"> <li>• A person’s preferences, regardless of how strong, are not religious beliefs.</li> </ul>

**Case Examples**

<b>Addresses:</b>	<b>Case</b>
<p><b>Unjustifiably questioned the sincerity of employee’s beliefs and placed additional burdens on her ability to maintain her religious accommodation.</b></p>	<p style="text-align: center;"><i>Sabir v. Department of Health and Human Services</i></p>

<p><b>Agencies must do more than suggest schedule switches to meet their duties of reasonable accommodation. They must actively explore other workable alternatives for a long-term solution.</b></p>	<p><i>Harris and Armstrong v. Department of Transportation</i></p>
<p><b>A personal want or desire, bars a plaintiff from establishing a prima facie case of religious discrimination.</b></p>	<p><i>Dachman v. Department of Health and Human Services</i></p>

<b>Religious Accommodation Best Practices</b>
<ul style="list-style-type: none"> <li>• Assume good faith</li> <li>• Just say...yes (when you can)</li> <li>• Obtain guidance before issuing a denial</li> <li>• Treat your accommodated employees like everyone else</li> </ul>

<b>Common Religious Accommodations</b>	
<ul style="list-style-type: none"> <li>• Flexible schedules</li> <li>• Flexible work breaks</li> <li>• Lateral transfer</li> <li>• Staggered work hours</li> <li>• Change of job assignment</li> <li>• Floating or optional holidays</li> </ul>	<ul style="list-style-type: none"> <li>• Use of lunch time in exchange for early departure</li> <li>• Modifying workplace practices, policies, and/or procedures</li> <li>• Voluntary substitutes or swaps of shifts and assignments</li> <li>• Permitting an employee to make up time lost due to the</li> </ul>

	observance of religious practices
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**Contacts:**

(Who to ask about what)

[Resolutions and Equity](#)

[Employee Relations Contacts](#)

[Identify Your Formal Complaints Specialist](#)

[Guidance Contact](#)

[NIH Ombudsman contact](#)

**Resources:**

(Where to go for more information)

[Title VII of the Civil Rights Act of 1964](#)

[29 C.F.R. Section 1604.11](#)

[EEOC Religious Discrimination](#)

[EEOC Compliance Manual Section 12: Religious Discrimination](#)

[EEOC Questions and Answers: Religious Discrimination in the Workplace](#)

[EEOC Compliance Manual Section 12: Religious Discrimination](#)