

CHECKLIST | RELIGIOUS ACCOMMODATIONS

Presented by Franconia Insurance & Financial Services

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits covered employers from discriminating against individuals because of their religion in hiring, firing or any other terms and conditions of employment. In addition, Title VII requires covered employers to **reasonably accommodate** employees' sincerely held religious beliefs and practices. In *Groff v. DeJoy*, the U.S. Supreme Court recently held that to deny a religious accommodation an employer must show that the burden of granting it would result in "substantial increased costs in relation to the conduct of its particular business." Examples of adjustments employers commonly make to accommodate an employee's religious beliefs or practices include flexible scheduling, voluntary shift substitutions, job reassignments, and exceptions to dress or grooming rules.

When an employee requires an accommodation for religious reasons, they should notify their employer that an adjustment is needed. If the employer reasonably needs more information, they should engage the employee in an interactive process to discuss the request. The employer must provide an accommodation if it would not pose an undue hardship to their business operations.

This checklist outlines key steps to help employers like you comply with Title VII's religious accommodation requirements. The information covered in this checklist summarizes guidance from the Equal Employment Opportunity Commission. Many states have their own laws that provide additional employment protections to employees, so employers must comply with Title VII and any applicable state laws. Accordingly, employers are encouraged to seek legal counsel to address specific issues and concerns.

Employers Subject to Title VII (Religious Discrimination)

| Covered Employers | Yes | No |
|---|--------------------------|--------------------------|
| <p>Is your organization subject to Title VII's protections against discrimination based on religion?</p> <p>Select "Yes" if your organization is any of the following:</p> <ul style="list-style-type: none">• A private-sector employer with 15 or more employees for at least 20 weeks in the current or preceding calendar year• A state or local government agency with 15 or more employees for at least 20 weeks in the current or preceding calendar year• An employment agency (such as a temporary staffing agency or recruitment company) of any size• A labor organization that operates a hiring hall or has at least 15 members <p>Title VII allows religious organizations to give employment preference to members of their own religion. However, this exception only applies to hiring and firing. It does not apply to any other aspect of employment, including the requirement to provide religious accommodations.</p> <p><i>If you answer "No," you can stop here. However, be sure to check any state employment laws that may apply to your organization.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> |

This checklist is merely a guideline. It is neither meant to be exhaustive nor meant to be construed as legal advice. It does not address all potential compliance issues with federal, state or local standards. Consult your licensed representative at Franconia Insurance & Financial Services or legal counsel to address possible compliance requirements. © 2023 Zywave, Inc. All rights reserved.

Religious Accommodation Process

| Religious Accommodation Process | Complete |
|---|--------------------------|
| <p>Receive an employee's request for an accommodation for religious reasons.</p> <p>An employee must ask for an accommodation and explain that it is requested due to a conflict between the employee's sincerely held religious practices or beliefs and work rules. For example:</p> <ul style="list-style-type: none"> • An employee may request an exception to the company's dress and grooming policy for religious practice. • An employee may request a schedule change to attend services on a specific holy day. • An employee may ask to be excused from the religious invocation offered at the beginning of staff meetings. • An employee may seek to change job tasks so that they will not be involved with a product or service that is contrary to their religious beliefs. <p>Title VII protects all aspects of religious practice and belief and defines religion very broadly. Religion includes not only traditional, organized religions (such as Christianity, Judaism, Islam, Hinduism and Buddhism) but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others. Title VII's protections also extend to those who need an accommodation because they profess no religious beliefs.</p> | <input type="checkbox"/> |
| <p>Create and maintain records of the individual's request and the entire accommodation process.</p> <p>Start recordkeeping as soon as you receive an accommodation request. Keep documenting as long as the employee remains at your organization. You should document every step of the process, including the request for accommodation, your interactions with the employee to discuss options and the reason you approved a specific accommodation.</p> | <input type="checkbox"/> |
| <p>Gather information about the individual's accommodation request.</p> <p>If you reasonably need more information, engage with the employee in an interactive process to discuss the request. For example, suppose an employee has requested a schedule change to accommodate daily prayers. In that case, you may need to ask for information about the religious observance, such as the time and duration of the daily prayers, to determine whether the accommodation can be granted without posing an undue hardship on the operation of your organization's business.</p> <p>There is usually no reason to question whether the practice at issue is religious or sincerely held; however, if you have a bona fide doubt about the basis for the accommodation request, you can make a limited inquiry into the facts and circumstances of the employee's claim that the belief or practice at issue is religious and sincerely held and gives rise to the need for the accommodation. Note that a religious practice may be sincerely held by an individual even if newly adopted, not consistently observed or different from the commonly followed tenets of the individual's religion.</p> | <input type="checkbox"/> |
| <p>Evaluate whether the requested accommodation would create an undue hardship for the operation of your organization's business.</p> <p>You do not have to provide a religious accommodation that would result in substantial increased costs in relation to the conduct of your business.</p> | <input type="checkbox"/> |

| Religious Accommodation Process | Complete |
|---|--------------------------|
| <p>When evaluating a proposed accommodation, you should consider direct monetary costs associated with the accommodation and the burden on other aspects of your organization's business. For example, consider whether the accommodation would diminish efficiency in other jobs, infringe on other employees' job rights or benefits, impair workplace safety, cause co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or conflict with another law. To prove undue hardship, you need to objectively demonstrate how much cost or disruption the proposed accommodation would create.</p> | |
| <p>Select a reasonable accommodation for the individual.</p> <p>You are not required to provide an employee's preferred accommodation if there is more than one effective alternative to choose from. You should, however, consider the employee's proposed method of accommodation, and if it is denied, explain to the employee why their proposed accommodation is not granted. You should also consider available alternative accommodations if the particular accommodation requested would pose an undue hardship.</p> <p>Under Title VII, an employer may use various methods to provide reasonable accommodations to their employees. Some common methods of providing religious accommodations include:</p> <ul style="list-style-type: none"> • Allowing schedule changes and voluntary substitutions and shift swaps • Changing job tasks or providing a lateral transfer • Making an exception to dress or grooming rules • Allowing the use of a workplace facility for a religious observance • Excusing employees from employer-sponsored religious programs | <input type="checkbox"/> |
| <p>Implement the selected accommodation.</p> <p>Work with the employee's managers and supervisors to implement the selected religious accommodation.</p> | <input type="checkbox"/> |

Use this checklist to review your organization's compliance with Title VII's requirement to provide reasonable accommodations to employees and applicants based on religion. For assistance, contact Franconia Insurance & Financial Services.