

Metro | *Policies and procedures*

Subject Religious Accommodation
Section Human Resources
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

It is Metro's policy to provide reasonable accommodation for an employee's sincerely held religious beliefs, observances and practices unless such accommodation would cause an undue hardship to Metro's operations. Metro will not discriminate on the basis of religion.

Applicable to

All employees and interns.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

Definitions

Religious Beliefs, Observances and Practices: The definition of "religious beliefs, observances and practices" that Metro applies will be in accordance with the constitutional definition of those terms as determined by applicable law. A general guideline is that religious beliefs are moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views, even though the beliefs themselves may be nontraditional, if those beliefs concern "ultimate ideas" about "life, purpose, and death." Social, political, or economic philosophies, as well as mere personal preferences, are not "religious" beliefs protected by law.

Undue Hardship: A significant difficulty or expense. Undue hardship is determined on a case-by-case basis in accordance with applicable law. Co-workers' or supervisors' mere dissatisfaction with the requested accommodation is not an undue hardship. Factors influencing a determination of undue hardship include, but are not limited to:

- a. Business necessity;
- b. Safety and health concerns;
- c. Financial cost and overall financial resources available; and
- d. Resulting personnel problems, such as staffing needs, interference with other employees' rights, or the effect on seniority systems mandated by union contract.

Guidelines

1. The intent of this policy is to provide reasonable accommodation for employees' and interns' sincerely held religious beliefs, observances and practices, consistent with state and federal law.
2. Common examples of religious accommodation include:

- a. Accommodation or time off to engage in religious practices, attend religious services, or observe a holy day as required by the employee's religion.
 - b. Accommodation of religious dress or grooming practices (e.g. required hairstyles or facial hair).
3. There is no prescribed manner of providing reasonable accommodation. Metro will consider all possibilities as they apply to its operational requirements. Criteria for determining whether an employee's requested accommodation is reasonable include:
 - a. The nature of the job;
 - b. The number of employees who can do that job;
 - c. The effects of transferring the employee;
 - d. The effects of accommodation on other employees;
 - e. The requirements of applicable collective bargaining agreements; and/or
 - f. Scheduling and overtime problems.
4. The Human Resources (HR) Department may request verification that the request is based on a sincerely held religious belief. Metro is not required to accommodate requests that are based merely on an individual's personal preference. Determinations of whether a requested accommodation pertains to a sincerely held religious belief, whether verification is necessary, and what verification may be appropriate will be made on a case-by-case basis consistent with applicable law.
5. It is unlawful to harass, discriminate against, or take any adverse employment action in regards to an individual because of his or her religion or because he or she has requested or received an accommodation under this policy. Anyone who experiences or observes discrimination, harassment, or retaliation on the basis of religious beliefs or requests for religious accommodation should report the offending conduct using the procedures specified in Metro's Discrimination and Harassment Policy.

Procedures

1. An employee or intern may initiate a request for religious accommodation by contacting his or her supervisor or the HR Department.
2. Upon receipt of a request for accommodation, the supervisor shall notify the HR Benefits Manager. The HR Department, in consultation with the Office of Metro Attorney, will be responsible for determining whether a requested accommodation is reasonable and whether it will result in undue hardship to Metro.
3. The HR Benefits Manager will contact the employee or intern to discuss the requested accommodation, and will consult with the supervisor and other managers as needed to determine the impact of the requested accommodation on Metro operations.
4. If it is determined that the requested accommodation would pose an undue hardship, the HR Benefits Manager will coordinate an interactive process to determine whether a mutually acceptable alternative accommodation is available.
5. The HR Benefits Manager may require additional information to verify that the requested accommodation is based on a sincerely held religious belief and/or a religious requirement.
6. Failure to timely submit verification may result in the delay of accommodation approval.

7. After receiving sufficient verification, the HR Benefits Manager will inform the employee or intern of whether a requested or alternative accommodation will be granted.
8. The employee or intern is required to comply with all applicable policies and work rules while the request for accommodation is under consideration, or if the request is denied.
9. If special circumstances make it necessary to expedite the approval process, the HR Benefits Manager may grant an accommodation on a provisional basis before receiving verification, with the understanding that there is no guarantee the requested accommodation will be granted permanently.
10. Anyone with concerns about the religious accommodation process may contact the Director of Human Resources or Office of Metro Attorney to discuss the matter.

Responsibilities

Employee/Intern:

- Notify the immediate supervisor or HR Department if religious accommodation is needed.
- Provide additional information as requested by the HR Benefits Manager.
- Be willing to discuss mutually agreeable alternative accommodations if necessary to avoid undue hardship to Metro's operations.
- Continue to follow all employment policies and work rules until accommodation is approved.

Supervisor:

- Notify the HR Benefits Manager of any requests for religious accommodation.
- Work with the HR Benefits Manager to determine the impact of the requested accommodation on operations.

Human Resources Department:

- Contact the employee or intern and engage in an interactive process to determine whether a reasonable accommodation is appropriate.
- Request documentation as necessary to certify eligibility for accommodations and/or protected leave.
- Work with the supervisor and other managers as needed to determine the impact of the requested accommodation on operations.
- Determine whether the requested accommodation poses an undue hardship.
- Notify the employee or intern of the decision and discuss possible alternative accommodations if the requested accommodation is denied.

References

ORS 659A.030; ORS 659A.033

2013 Oregon Laws Ch. 379 (House Bill 2669)

Title VII of the Civil Rights Act of 1964 (Sections 701 and 702)

29 CFR §1605.1 (definition of sincerely held religious belief; codifies federal case law)

Metro Discrimination and Harassment Policy