

February 16, 2005

MEMORANDUM FOR ALL WAGE AND INVESTMENT EMPLOYEES

FROM: Henry O. Lamar , Jr. /s/ Henry O. Lamar , Jr.
Commissioner, Wage and Investment Division

SUBJECT: Religious Discrimination and Accommodation Policy Statement

In conformance with Federal antidiscrimination laws, there is a policy within Wage and Investment Division that employees and applicants will not be discriminated against because of their religion. This means that employment decisions will not be based on religion and that, as an agency, we are required to accommodate employees' religious practices and beliefs. A religion is a set of attitudes, beliefs, or practices which pervade an individual's life. The emphasis is on the nature and strength of the beliefs and not on whether the belief is adhered to by any organized religious group.

Reasonable accommodation is a familiar term with regard to individuals with disabilities, but it's important to remember that employees are also entitled to reasonable accommodation for their religious beliefs and practices. Although religious beliefs can vary widely, they are protected under Title VII of the Civil Rights Act of 1964. In fact, individuals are not required to have a belief in God to be covered by the Act. Situations in which religious discrimination may occur include when (1) an employee or applicant is treated adversely or disparately based on his/her religion; (2) an employment rule or policy requires a person to either violate a fundamental principle of his/her religion or lose an employment opportunity; or (3) an employee is denied reasonable accommodation for a religious belief or practice, unless the accommodation would result in an undue hardship on the agency. Following are examples of situations where an accommodation *may* be provided. Each situation will be considered on a case-by-case basis.

- An employee requests Saturdays off to observe the Sabbath.
- An employee requests to wear religious garments.
- An applicant requests to not give the traditional oath with reference to God.
- Employees request leave to attend religious observances.
- Employees' religious beliefs require they abstain from work at certain times of the workday or workweek.
- An employee could be excused from a particular assignment if performance of that assignment would contravene the employee's religious beliefs.

Employees must be permitted to engage in religious expression if employees are permitted to engage in other personal expressions at work, unless the religious expression would impose an undue hardship. Therefore, restrictions may not be placed on religious expression any more than on other forms of expression that have a comparable effect on workplace efficiency. Some examples are:

Christian employees may hold regular meetings in conference rooms if other affinity groups are allowed to form groups and use the conference rooms.

- If posters of a certain size are allowed to be displayed in private work areas, religious or anti-religious posters cannot be singled out.
- Employees may display religious objects (i.e., Bible or Koran) in their work space if other employees are allowed to display personal items.
- In formal settings, such as cafeterias and hallways, employees are entitled to discuss their religious views with one another, subject only to the same rules applied to other employee expression.
- Employees are entitled to display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages.

Managers and employees are encouraged to become more familiar with the law applicable to religious discrimination and accommodation. Guidance is found in Title 29 of the Code of Federal Regulations, Part 1605, which is available at http://www.access.gpo.gov/nara/cfr/waisidx_02/29cfr1605_02.html