

# Northern New England

## MONDAY MORNING MINUTE

April 7, 2014

### EEOC Issues New Guidelines on Religious Dress and Grooming

On March 6, 2014, the Equal Employment Opportunity Commission ("EEOC") published new guidelines on religious dress and grooming under Title VII of the Civil Rights Act of 1964 ([http://www.eeoc.gov/eeoc/publications/qa\\_religious\\_garb\\_grooming.cfm](http://www.eeoc.gov/eeoc/publications/qa_religious_garb_grooming.cfm)).

Under Title VII, employers are prohibited from discriminating, harassing or retaliating against applicants and employees based on religious beliefs and practices. Title VII also requires employers to accommodate applicants' and employees' sincerely held religious beliefs and practices unless doing so would cause the employer undue hardship.

The new EEOC guidelines do not impose any new requirements upon employers but provide general guidance regarding the EEOC's interpretation and attempts to clarify how Title VII applies to issues of religion in the workplace in the following areas:

- The basics of the application of Title VII to religious dress and grooming in the workplace;
- What it means for a religious practice to be "sincerely held";
- What an employer should do if an applicant or employee's religious garb violates an employer's appearance policy or dress code;
- Examples of appropriate accommodations for an employee's religious dress or grooming practice;
- What constitutes retaliation against an employee for requesting a religious accommodation; and
- What constitutes religious harassment under Title VII, and what obligations an employer has to stop it.

For specific information or answers to questions, please contact any of the attorneys in the Portsmouth, NH office:

**Attorney Debra Weiss Ford**  
(603) 559-2727  
[Debra.Ford@jacksonlewis.com](mailto:Debra.Ford@jacksonlewis.com)

**Attorney Martha Van Oot**  
(603) 559-2735  
[Martha.VanOot@jacksonlewis.com](mailto:Martha.VanOot@jacksonlewis.com)

**Attorney Daniel P. Schwarz**  
(603) 559-2730  
[Daniel.Schwarz@jacksonlewis.com](mailto:Daniel.Schwarz@jacksonlewis.com)

**Attorney Thomas M. Closson**  
(603) 559-2729  
[Thomas.Closson@jacksonlewis.com](mailto:Thomas.Closson@jacksonlewis.com)

**Attorney Nancy E. Oliver**  
(603) 559-2725  
[Nancy.Oliver@jacksonlewis.com](mailto:Nancy.Oliver@jacksonlewis.com)

**Attorney Elizabeth J. Baker**  
(603) 559-2722  
[Elizabeth.Baker@jacksonlewis.com](mailto:Elizabeth.Baker@jacksonlewis.com)

**Attorney K. Joshua Scott**  
(603) 559-2711  
[Joshua.Scott@jacksonlewis.com](mailto:Joshua.Scott@jacksonlewis.com)

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***Some Highlights:***

Title VII protects all aspects of religious observance, practice, and belief, and defines religion very broadly to include not only traditional, organized religions, but also new or uncommon religions and even moral and ethical beliefs as to what is right or wrong that are sincerely held with the strength of traditional religious views.

Although the law applies to any practice motivated by religious belief, an employer may question whether an employee's belief is sincerely held and ask for information reasonably needed to evaluate a requested accommodation.

Employers may not take action against an employee based on the discriminatory religious preferences of others, including customers or clients nor can they assign employees to non-customer contact positions because of customer preference.

Employers may not automatically refuse to accommodate an applicant's religious garb or grooming practice, even if it violates the employer's appearance or dress policy. Rather, the employer must make an exception to allow the religious practice unless it would be an undue hardship or calls into question workplace safety, security, or health concerns.

If you have any questions regarding religious accommodations under Title VII, please contact your Jackson Lewis attorney.

***For additional information regarding this, or any other labor or employment law matter, please contact the attorneys in the Portsmouth, New Hampshire office of Jackson Lewis P.C.***

**ON APRIL 29<sup>TH</sup>**, Portsmouth Managing Shareholder **Debra Weiss Ford** will be presenting at **The 2014 Granite State Human Resources Conference at the Radisson Manchester.**

### **Do you want to be a part of GSHRC?**

The first two people to respond to Jeanine Ulaskiewicz at [Jeanine.Ulaskiewicz@jacksonlewis.com](mailto:Jeanine.Ulaskiewicz@jacksonlewis.com) will receive Conference Passes!



*The Portsmouth Office of Jackson Lewis invites you to join us for a breakfast seminar presented by **Debra Weiss Ford**:*

### **Leaves of Absence: Navigating Increasingly Complex Leave Laws When Checking-The-Box Will Not Suffice**



**An advanced interactive workshop with complex hypothetical situations and practical management tools that are designed to address leave under the FMLA, ADAAA, and Workers Compensation, including consideration of medical privacy issues.**

**Who Should Attend?** Jackson Lewis welcomes all corporate decision makers with employee relations responsibilities, human resource executives and professionals, in-house counsel, and chief executive officers to this informative workplace law breakfast seminar.

**Friday, May 9, 2014 | 8:30 –10:30 a.m.**

**Portsmouth Harbor Events and Conference Center**

100 Deer Street at 22 Portwalk Place | Portsmouth, NH 03801

There is no cost to attend this program, but space is limited so [click here](#) to register today!