

Northern New England

MONDAY MORNING MINUTE

September 22, 2014

Reasonable Accommodations for Employee's Religious Beliefs

Title VII prohibits, among other things, religious discrimination. Title VII also requires that an employer accommodate the religious practices of an applicant or an employee if such accommodation imposes no undue hardship on the employer.

Employees with religious beliefs often confront conflicts between their employment obligations and their religious obligations. Federal law, as well as many state laws, requires employers to try to accommodate religious practices. Specifically, Title VII provides that an employer must reasonably accommodate an employee's religious beliefs and practices unless doing so would cause "undue hardship on the conduct of the employer's business."

A reasonable accommodation is one that eliminates the employee's conflict between his or her religious practices and work requirements and that does not cause an undue hardship for the employer. Accommodations may vary – an employee may need a particular day off each year for a religious holiday, or to refrain from work every week on his or her Sabbath, for example. An employer must try to arrange to allow an employee to meet these religious obligations. Examples of possible accommodations may include shift swaps between employees, voluntary assignment substitutions or the use of lunch time for early departure.

An employer may not simply refuse to accommodate an employee. If the employer claims that accommodation is not feasible because it would result in undue hardship, the employer must demonstrate the effect the accommodation would have on the business. In essence, it is the employer's burden to prove the undue hardship.

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

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The employer is not mandated to provide the specific accommodation requested by the employee. As long as the employer has reasonably accommodated an employee's religious needs, the employer does not need to provide the employee's preferred accommodation.

The Supreme Court has ruled that an undue hardship in the religious accommodation context means that an employer need not incur more than minimal costs in order to accommodate the employee's religious practices. The EEOC has interpreted this to mean that an employer can show that a requested accommodation causes it an undue hardship if accommodating an employee's religious practices requires anything more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes coworkers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation. Factors relevant to showing an undue hardship may include the type of workplace, the nature of the employee's duties, the identifiable cost of the accommodation in relation to the size and operating costs of the employer, and the number of employees who will in fact need a particular accommodation.



The Portsmouth Office of Jackson Lewis P.C. was recently named a top tier "Labor and Employment" office in New Hampshire by Chambers USA.

Additionally, Office Managing Shareholder **Debra Weiss Ford** and Portsmouth Shareholders **Thomas M. Closson, Daniel P. Schwarz** and **Martha Van Oot** were named "LEADERS IN THEIR FIELD" in the 2014 Chambers USA Legal Guide.

YOU ARE INVITED!

**Jackson Lewis Portsmouth Office
Annual Half-Day Legal Update**



Please join our Portsmouth Office for a half-day legal update on the most pressing Labor and Employment topics.

Thursday, October 9, 2014

Registration: 8:00 – 8:30 a.m. | Program: 8:30 a.m. – 12:00 p.m.

Portsmouth Harbor Events and Conference Center

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

For further information or to register, please see attached invitation.

