

STATE OF MARYLAND
JUDICIARY

Policy on Religious Accommodation

I. PURPOSE

To establish and ensure compliance with applicable laws governing the Judiciary's responsibility to provide reasonable religious accommodation to its employees and job applicants.

II. DEFINITIONS

A. Administrative Official:

1. The Clerk of Court for the Circuit Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District Court for the District in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the District Court Headquarters, or the Court-Related Agency in which the employee works; or
4. The State Court Administrator for employees within the Administrative Office of the Courts.

B. Judiciary Representative: For an employee, the Judiciary Representative is the employee's supervisor. For an applicant, the Judiciary Representative is the individual identified in the job announcement or, if not stated, the Executive Director of the Judiciary's Human Resources Department.

C. Office of Fair Practices: The Judiciary's administrative unit charged with ensuring compliance with equal opportunity, non-discrimination and other civil rights laws.

D. Religion: "Religion" includes all aspects of religious belief, observance and practice. "Religion" includes all widely practiced religions, as well as other systems of belief or worship.

E. Religious Belief: "Religious belief" includes, but is not limited to, a sincerely held belief in a deity or deities, as well as non-theistic moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.

F. Religious Observance or Practice: “Religious observance or practice” includes, but is not limited to, attending worship services, praying, wearing religious attire or symbols, displaying religious objects, adhering to certain dietary rules, other forms of religious expression, or refraining from certain activities.

G. Religious Accommodation: Any change in the application process or work environment, or in the way work or responsibilities are customarily done, that enables an employee or applicant to participate in his or her religious belief, observance or practice. An accommodation may include an exception to dress code policies.

H. Undue Hardship: An “undue hardship” occurs when granting a request would result in more than a minimal cost or burden on operations. Factors to consider in determining whether an accommodation would impose an undue hardship include, but are not limited to: the nature and cost of the requested accommodation; the impact on resources and business operations; any impact on workplace safety; and the number of employees requiring similar accommodation at the same time.

III. SCOPE

This *Policy* applies to all applicants for employment and all employees (regular, contractual and temporary) of the Maryland Judiciary.

IV. POLICY STATEMENT

The Judiciary respects the sincerely held religious beliefs, observances and practices of its employees and applicants and will make a good faith effort to provide a reasonable accommodation unless doing so would create an undue hardship.

The Judiciary strictly prohibits any retaliation against an applicant or employee because he or she has (i) requested a religious accommodation (or whom management anticipates will request a religious accommodation); or (ii) participated in any manner in the processing of a religious accommodation request or complaint.

V. PROCEDURE FOR REQUESTING A RELIGIOUS ACCOMMODATION

A. Applicant or Employee: An employee or applicant seeking a religious accommodation must notify a Judiciary Representative of his or her need for an accommodation. The notice should include a description of the conflict

between a work requirement or application process and his or her religious belief, observance or practice.

A request for a religious accommodation must be made within a reasonable amount of time prior to the time that the accommodation is needed in order to minimize impact to Judiciary operations. Employees and applicants should use the *Request For Religious Accommodation Form* (Form 501) available on the Judiciary website at <http://www.mdcourts.gov/fairpractices>.

- B. Judiciary Representative:** Upon receipt of an employee's or an applicant's request for religious accommodation, the Judiciary Representative shall promptly contact the Office of Fair Practices for guidance.
- C. Office of Fair Practices:** The Office of Fair Practices is responsible for compliance with and oversight of this *Policy*. The Office of Fair Practices will provide guidance and make recommendations to a Judiciary Representative in processing a religious accommodation request.
- D. Decision on Accommodation Request:** After receiving guidance and recommendations from the Office of Fair Practices, the Judiciary Representative, in consultation with the Administrative Official as appropriate, will notify the employee or applicant of the decision to grant or deny the request for accommodation. The decision must be documented on the *Request For Religious Accommodation Form* (Form 501) and a copy provided to the Office of Fair Practices.

VI. COMPLAINTS

If a request for accommodation is denied, the employee or applicant may file a complaint with the Office of Fair Practices pursuant to the Judiciary's *Policy on Equal Employment Opportunity and Harassment*. An employee may also file a complaint with the Maryland Commission on Civil Rights, the U.S. Equal Employment Opportunity Commission or other appropriate investigatory body.

VII. CONFIDENTIALITY

All individuals involved in the processing of a religious accommodation request, including but not limited to the Judiciary Representative, Administrative Official and Office of Fair Practices staff, shall disclose information related to a religious accommodation request only as necessary for processing the request or in the best interests of the Judiciary.

VIII. INTERPRETIVE AUTHORITY

The Office of Fair Practices, in consultation with other Judiciary offices, as appropriate, is responsible for the interpretation of this *Policy*.



REQUEST FOR RELIGIOUS ACCOMMODATION

Employee/Applicant

Employee/Applicant's Name:

Position:

Address:

City/State:

Zip Code:

Work Location:

Work Telephone:

Name of Judiciary Representative:

Date(s) Accommodation is Needed:

Accommodation Request

Please print or type. Be as specific as possible. If required, attach additional pages.

Employee/Applicant's Signature: _____

Date: _____

For Judiciary Representative Use Only

Date Request Received: _____

Action Taken: _____

Judiciary Representative's Signature: _____

Date: _____

Copy to: Office of Fair Practices

STATE OF MARYLAND
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Policy on Religious Accommodation

FREQUENTLY ASKED QUESTIONS

1. What does “religion” mean under the Judiciary’s *Policy on Religious Accommodation*?

The Judiciary’s *Policy on Religious Accommodation* (“*Policy*”) protects all aspects of religious belief, observance and practice. “Religion” includes all widely recognized religions, as well as other systems of belief or worship.

2. What is a “religious belief”?

A “religious belief” includes, but is not limited to, a sincerely held belief in a deity or deities, as well as non-theistic moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.

3. What is a “religious observance or practice”?

A “religious observance or practice” includes, but is not limited to, attending worship services, praying, wearing religious attire or symbols, displaying religious objects, adhering to certain dietary rules, other forms of religious expression, or refraining from certain activities.

4. Under what circumstances might the Judiciary accommodate an employee or applicant’s religious belief, observance or practice?

The Judiciary, once on notice that a religious accommodation is requested, would reasonably accommodate an employee or applicant whose sincerely held religious belief, observance or practice conflicts with a work requirement or application process, unless doing so would pose an undue hardship.

An “undue hardship” occurs when granting a request would result in more than a minimal cost or burden on operations. Factors to consider in determining whether an accommodation would impose an undue hardship include, but are not limited to: the nature and cost of the requested accommodation; the impact on resources and business operations; any impact on workplace safety; and the number of employees requiring similar accommodation at the same time.

5. What does an employee or applicant making a request need to convey about the need for an accommodation?

An employee or applicant who seeks religious accommodation must notify the Judiciary Representative of the need for accommodation and explain how a work requirement or application process conflicts with a sincerely held religious belief, observance or practice. An accommodation may include an exception to dress code policies.

6. How far in advance do I need to request a religious accommodation?

An employee or applicant should notify the Judiciary Representative as soon as he or she becomes aware of the need for an accommodation. Whenever possible, requests should be made with as much notice as possible to give the Judiciary Representative sufficient time to consider the request in conjunction with the needs of the operation.

7. Is a Judiciary Representative required to determine whether a religious belief is sincerely held?

No. A Judiciary Representative must consult with the Office of Fair Practices when a request for religious accommodation is received.

8. Must the Judiciary grant all requests for religious accommodation?

No. The Judiciary would accommodate those conflicts between a sincerely held religious belief and a work requirement (or application process) when the accommodation would not pose an undue hardship. Requests for religious accommodation will be evaluated on a case-by-case basis, including consideration of the timing of the request.

9. What are common methods of religious accommodation in the workplace?

Depending on the circumstances, examples of accommodations that might be reasonable include:

- Work schedule changes, voluntary substitutes, and shift swaps
- Changing an employee's job tasks or providing a lateral transfer
- Making an exception to dress and grooming rules
- Use of the work facility for a religious observance
- Accommodating prayer and other forms of religious expression

10. Does the Judiciary's *Policy* prohibit retaliation against an employee or applicant who requests a religious accommodation?

Yes. The Judiciary's *Policy on Religious Accommodation* strictly prohibits retaliation against an employee or applicant for requesting a religious accommodation. Retaliation may be any conduct aimed at dissuading an individual from exercising the right to request a religious accommodation, such as disciplinary action, transferring an employee to an undesirable location, refusing to select a candidate for employment or subjecting an employee to a hostile work environment because he or she requested a religious accommodation.

11. Does the Judiciary's *Policy on Religious Accommodation* provide Judiciary employees with a new form of paid leave?

No. The *Policy* does not create a new form of paid leave. If approved, an employee requesting a religious accommodation may use accumulated leave, such as annual leave, personal leave or compensatory leave, to cover absences associated with the accommodation. In some circumstances, an employee may also take time off from work without pay in order to participate in a religious observance.

12. Is there a religious exception to the Judiciary's *Policy on Appropriate Attire and Appearance*?

Yes. If you require an exception to the Judiciary's *Policy on Appropriate Attire and Appearance* for religious purposes, you may request an accommodation in accordance with the Judiciary's *Policy on Religious Accommodation*.

13. What if my request is denied?

If your request for a religious accommodation is denied, you may file a complaint with the Office of Fair Practices pursuant to the Judiciary's *Policy on Equal Employment Opportunity and Harassment*. You may also contact or file a complaint with the Maryland Commission on Civil Rights, the U.S. Equal Employment Opportunity Commission or other appropriate investigatory body.

14. When should a Judiciary Representative contact the Office of Fair Practices?

A Judiciary Representative must contact the Office of Fair Practices upon receipt of a request for a religious accommodation.

15. If I have other questions about the *Policy*, where may I get assistance?

You may contact the Office of Fair Practices by telephone at 410-260-3679 or by email at fairpractices@mdcourts.gov.

STATE OF MARYLAND JUDICIARY



OFFICE OF FAIR PRACTICES
2001-A COMMERCE PARK DRIVE
ANNAPOLIS, MARYLAND 21401

I, _____, acknowledge that I have received a copy of the Judiciary's *Policy on Religious Accommodation*. I agree to comply with my responsibilities under the *Policy*. I understand that if I have any questions about the application of the *Policy*, I should contact the Office of Fair Practices at 410-260-3679 for more information.

I also understand that I may be required to attend additional mandatory training related to this *Policy* or other policies related to workplace diversity in the future as a part of the Judiciary's ongoing mission to create an environment of inclusion and mutual respect.

Employee

Date

Supervisor

Date

Supervisors: Scan and email this form to HRForms@mdcourts.gov, or mail to JHRD, 580 Taylor Avenue, First Floor, Annapolis, Maryland 21401