



# REASONABLE ACCOMMODATION (RELIGIOUS)

In accordance with Title VII of the Civil Rights Act of 1964, the Department of Energy (DOE) is committed to providing reasonable accommodation (RA)(religious) to all employees, consistent with applicable laws, Executive Orders, regulations, and Equal Employment Opportunity Commission (EEOC) guidance. A religious accommodation is an adjustment to the work environment that will allow the employee to practice their sincerely held religious belief unless to do so would cause more than a minimal burden or an undue hardship on the operation of the DOE.

[Policy Memorandum #100, Reasonable Accommodation](#), and its corresponding templates outline the DOE's RA process and timeframes for responding to requests.

## OVERVIEW OF THE PROCESS

### DEFINITION OF RELIGION

- Title VII defines religion very broadly.
- The definition of religion includes not only traditional and organized religions; but also, it includes religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people.
- Social, political, or economic philosophies, or personal preferences, are not "religious" beliefs under Title VII.

### MAKING A REQUEST

- An employee ("Requestor") may initiate a verbal or written RA request through their Designated Management Official ("DMO") or their assigned [Local ReasonableAccommodation Coordinator \(LRAC\)](#). The DMO is usually the Requestor's first level supervisor, but another management official with an understanding of the essential functions of the position may also serve in this capacity.
- The Requestor does not need to include specific words such as "religious accommodation," or "religion" in their request. However, they should be able to identify their religious belief, describe the impact it has on performing the essential functions of their position, and specify the requested accommodation.
- RA request [templates](#) are available on HCnet.

The DMO must forward the request to the LRAC normally **within 2 business days**.

LRAC must confirm receipt of request (Template B, *Acknowledgement of Receipt of RA Request*) normally **within 5 business days**.

### INTERACTIVE PROCESS

- The DMO, LRAC, and the Requestor will begin the interactive process to evaluate the impacts, effectiveness, and feasibility of the proposed RA request.
- The LRAC may ask the Requestor relevant questions about the religious belief or practice, and the workplace barriers. They may also request additional supporting documentation, including documentation from your religious or spiritual leader.
- Active participation, open communication, and ongoing dialogue are critical and required of all parties.

DMO has **5 business days from receipt of the RA request** to complete Template C, *Essential Functions*.

Requestor has **45 calendar days** to submit sufficient documentation, if needed.

## RA DETERMINATION

- The DMO has the discretion to choose the accommodation when more than one effective accommodation has been identified.
- If the request is granted, the LRAC will discuss implementation with the Requestor.
- The undue hardship standard is de minimis for a religious accommodation. Meeting the standard requires proving the proposed RA poses more than a minimal cost or burden to the DOE in relation to the size, resources, nature, operation, and structure of DOE in its entirety.
- If the request is denied, the DMO must clearly state the reason(s) (Template H, *Denial of Requested Accommodation*) and provide the Requestor with reconsideration and appeal rights.
- The DMO is encouraged to find the most effective accommodation(s), including interim accommodations, while they assess the request, wait for additional documentation, or expect a delay in implementation of an approved request. The DMO is expected to follow the guidance from the LRAC and the local Office of General Counsel (OGC).

## REQUESTOR APPEAL RIGHTS

- If a request is denied, or the Requestor believes an alternate accommodation is not effective, the Requestor may submit a request for reconsideration.
- **Within 2 business days** of receiving the request for reconsideration, the LRAC will contact the second-line Supervisor (“Reconsideration DMO”) or a higher-level official in the chain of command of the Requestor to provide a reconsideration decision.
- The Reconsideration DMO will review the documents and any new information in consultation with the LRAC and **obtain OGC concurrence prior to issuing the reconsideration decision**. The decision of the Reconsideration DMO is the final step in the formal RA process.
- If a Requestor has a Union Representative, they must complete Template M, *Designation of Union Representative* and provide it to the LRAC.

DMO must issue their decision (Template G, *Reasonable Accommodation Determination*) to the Requestor **within 30 calendar days** of the request, or of receipt of sufficient documentation.

A decision for a simple or less complex request is expected to be issued in a much shorter timeframe.

Requestors must submit their reconsideration request **within 7 business days** of receipt of the RA determination.

LRAC will schedule a meeting with the Requestor, the DMO and the Reconsideration DMO **within 5 business days** of receipt of the reconsideration request to discuss the basis for the reconsideration request and review the documents to be considered.

Reconsideration DMO will issue the final determination to the Requestor **within 14 business days** of the request for reconsideration.

## CONFIDENTIALITY

All aspects of the RA process must be kept confidential. This includes the initial request, the decision, and any information obtained during the process. Requesting an RA is considered a protected activity and should not be disclosed except to those with a need to know.