



Religious Accommodation Policy Template

Prepared for

**Adoption and use by Special Districts and Special Service Districts
in Utah in consultation with their legal counsel**

Prepared by

The Utah Association of Special Districts

November 1, 2024

(insert name of the District)

Religious Accommodation Policy

- I. **Purpose:** The purpose of this Policy is to protect the rights and interests of employees (excluding elected officials) and applicants for employment with _____ (hereinafter the “District”) under Title VII of the Civil Rights Act of 1964 (“Title VII”) which, among other things, prohibits religious discrimination and requires employers to reasonably accommodate the sincerely held religious beliefs and practices of employees and applicants for employment and applies to employers with 15 or more employees, including local governments such as the District; and Utah Code § 67-27-106, Reasonable accommodations for government employees. An employee’s good faith request to be relieved from performing a task that would conflict with the employee’s sincerely held religious beliefs or conscience will generally be granted, provided that the employee complies with the requirements of state and/or federal law, as applicable, and this Policy, but the District has no responsibility to accommodate an employee’s mere personal preference and the law does not protect beliefs merely because they are strongly held. Furthermore, social, political, or economic philosophies may not qualify as religious beliefs and practices. If the District has a bona fide doubt about the basis for the accommodation request, it is entitled to make a limited inquiry into the facts and circumstances of the employee’s claim that the belief or practice at issue is religious and/or based on conscience and is sincerely held, and gives rise to a need for the requested accommodation. This Policy is intended to complement, not replace, applicable state and federal laws governing an employee’s sincerely held religious beliefs or conscience, including Title VII, to the extent it applies to the District, and Utah Code § 67-27-106. In the event of a conflict between this Policy and an applicable state or federal law, the applicable state or federal law will control to the extent of the conflict.

1. **Implementation.** Employees may not be discriminated against by the District because of their religious beliefs or practices, or because they lack religious beliefs or practices. The District respects the sincerely held religious beliefs and practices of all employees and will make, on request, an accommodation for such beliefs and practices when a reasonable accommodation is available that does not create an undue hardship on the District. Anyone who believes that he or she has been discriminated against by the denial of a requested religious accommodation should immediately contact the District’s chief executive officer for a final

determination, subject to appeal as stated in Subsection V.1.e of this Policy.

- II. **Definitions:** Definitions stated in Utah Code § 67-27-106 are incorporated by reference as part of this Policy. For convenience, three key statutory definitions are repeated here:

1. **Retaliatory action** “means any of the following actions taken by a governmental entity against an employee as a result of the employee filing a [reasonable] request [to be relieved from performing a certain task]:
 - i. a dismissal;
 - ii. a reduction of compensation;
 - iii. a failure to increase compensation by an amount that the employee is otherwise entitled to or was promised;
 - iv. a failure to promote if the employee would otherwise be promoted;
 - or
 - v. a threat to take an action described” above.
2. **Task** “means a specific job, duty or function.”
3. **Undue hardship** “means a substantial burden, privation, or adversity on a governmental entity that would result from granting an employee’s request to be relieved from performing a certain task when considering all relevant factors, including:
 - i. the practical impact on the governmental entity in light of the nature, size, and operating cost of the governmental entity;
 - ii. the disruption of the governmental entity’s operations;
 - iii. the nature of the employee’s duties;
 - iv. the number of employees the governmental entity will be required to grant a request to if the governmental entity grants the employee’s request;
 - v. the type of workplace; and
 - vi. the number of requests by the employee in the preceding 12 months from the day on which the employee submitted the request.”

- III. **Reasonable Accommodation For Religious Observances And Practices:** The District strives to comply with all applicable federal and state equal employment opportunity laws. In all hiring and employment practices, the District will make every effort to ensure that it doesn’t discriminate against employees and applicants

based on sincerely held religious beliefs, observances, and/or practices, and will provide a reasonable accommodation to employees and applicants for such beliefs, observances, and practices unless the accommodation creates an undue hardship for the District.

1. **Exceptions to an Accommodation:** The District is not required to grant an employee's accommodation request regarding a task if: (i) the task is part of training or safety instructions directly related to the employee's employment; (ii) granting the request would result in a deficiency in the amount of work for which the employee would be compensated; (iii) granting the request would create an unavoidable conflict with an existing legal obligation; (iv) the employee is a first responder, as defined in Utah Code § 67-27-106, and the request is to be relieved from performing a task that involves protecting the safety of the public; or (v) the religious beliefs or conscience that are being asserted by the employee are being asserted for an improper purpose.
2. **Collaborative Communications:** Generally, an employee is responsible to notify the District of a need for a religious accommodation as soon as is practicable but not more than two days after the employee received the assignment to perform the task. However, when a District supervisory employee suspects that an employee may have a conflict between the employee's religious practice or beliefs and work requirements, the supervisor is encouraged to discuss the potential conflict and possible accommodations in a non-confrontational manner. Open communication may help identify workable solutions that minimize burdens on both the employee and the District, and avoid costly, unnecessary litigation.

IV. **Requesting a Religious Accommodation:** An employee whose conscience, religious beliefs or religious practices (hereafter "religious beliefs") conflict with his or her assigned tasks or work schedule, or with a District policy or practice regarding dress and appearance or other aspects of employment, and who seeks a religious accommodation, must submit either an oral or a written request for the accommodation to his or her immediate supervisor as follows:

1. **Informal:** Notwithstanding the requirements of Utah Code § 67-27-106(3)(a) (i), the District prefers to resolve good faith religious accommodations in an employee-friendly manner. To that end, employees are encouraged first to discuss an accommodation request with their immediate supervisors, who may grant the request without any more formality, other than a documenting note to be placed in the employee's personnel file, if the supervisor is comfortable

with the request and the requested accommodation will not create an undue hardship for the District.

2. **Formal**: The supervisor may ask the employee to complete and submit a Religious/Conscience Accommodation Request in the form attached to this Policy, which will then be acted upon by the supervisor. While an employee is encouraged to initially make an oral request for an accommodation, the employee is not required to do so. Should the employee prefer, for any reason, the employee may initiate the request for a religious accommodation by submitting the completed Religious/Conscience Accommodation Request form to his or her supervisor in accordance with Utah Code § 67-27-106(3)(a). As provided in the Request form, the written request is to include the type of religious conflict that exists and the employee's suggested accommodation, and provide the District with a reasonable opportunity to address the employee's request and to grant an accommodation or otherwise address the employee's concerns.
3. **Timing of Response**: Unless the employee and the District agree in writing to waive or extend the time limit, the District shall respond to the accommodation request as soon as practicable, but at least five days before the day on which the designated task is required to be performed.

V. **Providing a Religious Accommodation**: A reasonable accommodation is a solution that eliminates the conflict between the employee's sincerely held religious beliefs and the employee's work requirements.

1. **Procedure**: The immediate supervisor will evaluate the accommodation request, consider whether a work conflict exists due to a sincerely held religious belief, and consider whether a reasonable accommodation is available that would not create an undue hardship on the District. An accommodation may involve a changed task assignment, a work schedule modification, the use of paid leave or leave without pay, an exception to the dress and appearance code that does not affect safety, or a modification of other aspects of employment. Depending on the type of conflict and the suggested accommodation, the supervisor may confer with his or her manager and with the human resources office or the chief executive officer of the District.
 - a. **Meeting**: The supervisor and the employee will meet to discuss the request and a decision on an accommodation. If the supervisor agrees to the requested accommodation or the employee accepts a religious accommodation proposed by the supervisor, the supervisor will implement the accommodation.

b. **Undue Hardship**: An undue hardship may be created when the burden of granting an accommodation would result in substantially increased costs to the District, disrupt the operation of the District, or otherwise satisfy the statutory definition of an undue hardship as stated in Subsection II.3 above. Accommodations that may impose an undue hardship on the District include accommodations that would allow employees to impose their religious beliefs in a manner that discriminates against or harasses other employees, violates safety protocols, or creates or exacerbates security risks.

- i. Whether an accommodation would constitute an undue hardship is to be determined on a case-by-case basis, considering factors listed in Section II.3 of this Policy, including the nature of the work, the cost of the accommodation, and/or the impact of the accommodation on the District's operations.
- ii. The undue hardship standard applicable to Title VII religious accommodation cases, as stated by the United States Supreme Court in *Groff v. DeJoy*, 143 S. Ct. 2279 (2023), is met "when a burden is substantial in the overall context of an employer's business" taking into consideration "all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of an employer."
- iii. The District may not be required to accommodate a religious belief when the accommodation would violate other applicable laws; compromise workplace safety; decrease workplace efficiency; cause a lack of necessary staffing; jeopardize security or health; infringe on the rights of other employees; cost an excessive amount in relation to the size and operating costs/financial resources of the District; or require other employees to do more than their share of potentially hazardous or burdensome work. Costs to be considered include not only direct monetary costs but also the burden on the conduct of the District's operations. The District will rely on objective information when making an undue hardship determination.

c. **Good Faith and Sincerity**: In general, the District will assume that its employees act in good faith in asserting a sincerely held religious belief,

but there are factors, alone or in combination, that may indicate an employee's lack of good faith and sincerity, such as: the employee's behavior is starkly inconsistent with the employee's professed belief(s); the requested accommodation provides desirable benefits that may be sought for secular reasons; the timing of the request is suspicious (such as when the same employee has previously made the same request for non-religious reasons); and any other overt basis that demonstrates, or reasonably appears to demonstrate, that the accommodation is not sought in good faith for sincerely held religious reasons.

- d. **Alternative Accommodation**: If an employee's proposed accommodation would pose an undue hardship, the District's supervisory personnel may explore alternative accommodations and identify an accommodation that differs from the specifics of the accommodation requested by the employee if the alternative is less disruptive or less expensive to the District, but nevertheless satisfies the legitimate religious belief or conscience based needs of the employee. In suggesting an alternative resolution, however, the District must act reasonably, taking into consideration both the employee's needs and those of the District, other employees, and the public.
- e. **Right to Appeal**: If the employee's requested accommodation is denied and the employee rejects any alternative accommodation proposed by the supervisor, the employee has a right, and will be expected, before filing a legal action against the District, to appeal the denial by following the District's general employee grievance policy and procedures that govern employee conduct, which employee grievance policy and procedures is/are incorporated by reference as part of this Policy. Notwithstanding anything to the contrary in this Policy, however, if the grievance appeal, once filed, has not been concluded within 60 days after it was properly initiated by the employee, the employee may file an action against the District under Utah Code § 67-27-106(6).
- f. **Other Actions**: Nothing in this Policy is intended to limit an employee's right to bring any other claim the employee may have against the District; or to prevent the District from implementing a policy as required by applicable state or federal law.

- VI. **Retaliatory Action**: Violations of this Policy may result in appropriate disciplinary measures in accordance with the District's Bylaws and policies and procedures that govern employee conduct. However, the District will not take any retaliatory action against an employee for submitting a meritorious request to be relieved from performing a task that would conflict with the employee's sincerely held religious belief or conscience.

Approved by the governing body of the District on the ____ day of _____,
20__.

Title:

**THIS SERVES AS A NOTICE TO EMPLOYEES OF THE RELIGIOUS
ACCOMODATION POLICY OF THE DISTRICT**

I hereby certify that I have read and understand the District's Religious Accommodation Policy.

Employee Name

Employee Signature

Date

Supervisor's Name

Supervisor's Signature

Date

DISTRICT
RELIGIOUS/CONSCIENCE ACCOMMODATION REQUEST FORM*
(Refer to the District's Religious Accommodation Policy in preparing and processing this Request.)

Employee's Name:

Date of Request:

Email Address:

Telephone Number:

Employee's Position:

1. Please identify the task, or the District policy or practice, that conflicts with your sincerely held religious beliefs or conscience (hereinafter "religious beliefs").
2. Please describe the nature of your sincerely held religious beliefs that conflict with the requirement, policy or practice identified above.
3. What is the accommodation or modification that you are requesting?
4. List any alternative accommodations that also would eliminate the conflict between the District requirement, policy, or practice and your sincerely held religious beliefs.

Requester Signature

Date: _____

Accommodation Decision (for use by the District)

Accommodation: ☐ approved as requested
☐ approved but different from the original request
☐ denied

Identify the accommodation provided:

If the accommodation was denied, or a different accommodation is being offered, explain the reasons why and justification for that action:

If an alternative accommodation was offered, indicate whether it was:

- ☐ accepted
- ☐ rejected

If it was rejected, state the basis for the rejection:

If the accommodation was denied and no alternative accommodation was proposed, explain the reason for denying the request without an alternative accommodation:

Deciding Official's Name and Title:

Deciding Official's Signature

Date: _____

RIGHT TO APPEAL AND LEGAL ACTION NOTICE

An employee who disagrees with the resolution of the accommodation request may ask the _____ (insert title, if left blank, it will be the individual with primary responsibility for the day-to-day operation of the District) to reconsider that decision within 2 business days after receiving the District's official decision, and may appeal the decision as a grievance in accordance with the District's Policies and Procedures that govern employee conduct. **Once the employee has exhausted the internal process, including a formal grievance, allowing the District to address the employee's concerns, the employee may seek redress by filing an action against the District in Utah District Court, but requesting a reconsideration or pursuing a grievance appeal does not extend the time limit for initiating**

a legal action under Utah Code § 67-27-105(6), which is 180 calendar days after receipt of the District's response to the employee's Religious/Conscience Accommodation submittal.

*Based on a form prepared by the U.S. Equal Employment Opportunity Commission, with revisions.

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