



## PERSONNEL POLICY

### SUBJECT: RELIGIOUS ACCOMMODATION

DATE: January 1, 2017

Number: 109-16

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#### **I. Statement of the Policy**

Fulton County prohibits unlawful discrimination based on an employee's religious beliefs and will provide reasonable accommodation for employees' religious beliefs, observances, and practices in accordance with applicable law when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to Fulton County.

#### **II. Applicability**

This Policy and accompanying Procedure shall apply to all Fulton County employees, including employees occupying temporary, seasonal and part-time positions. This Policy and accompanying Procedure in no way give any employee a property interest in employment with Fulton County.

#### **II. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.



## **PERSONNEL PROCEDURE**

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Any employee who perceives a conflict between his or her job requirements and a religious belief, observance, or practice should bring the conflict and his or her request for accommodation to the attention of their supervisor and the Office of Diversity and Civil Rights Compliance to initiate the accommodation process. Requests for a reasonable accommodation should be made in writing on the Request for Religious Workplace Accommodation form provided by the Office of Diversity and Civil Rights Compliance, and in the case of requested schedule adjustments, as far in advance as possible.

#### **I. Procedure**

An employee may request a religious accommodation by:

1. Completing a "Request for Religious Workplace Accommodation" form;
2. Submitting the request for an accommodation to his/her supervisor or Appointing Authority; and
3. If requested, providing documentation to support the request.

Whenever possible, requests for accommodation should be made at least 30 days in advance of the desired accommodation. Fulton County is not required to provide an accommodation if it not aware of the employee's need and desire for accommodation.

#### **II. Discussion**

Reasonable accommodations are determined, identified and implemented using a collaborative process. The County's Office of Diversity and Civil Rights Compliance and the employee's supervisor will engage in an interactive process with any employee seeking a religious accommodation to discuss conflicts between religion and work and to take action to provide a reasonable accommodation for the employee's needs.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

Following receipt of the request for accommodation, the supervisor or Appointing Authority will:

1. Discuss the request with the employee; and
2. Where it would assist accommodating the request, discuss the basis of the employee's request with others.

### **III. Documentation**

In addition to submitting the "Request for Religious Workplace Accommodation" form, it is the responsibility of the employee to provide requested documentation to support the request. The supporting documentation requested may vary depending on the nature and extent of the accommodation requested.

### **IV. Analysis of Job/Position or Performance of Job Responsibilities**

Departments will attempt to accommodate requests for accommodation, balancing the request to accommodate the employee's religious practices with the particular needs of the department and work unit. In determining whether to approve the request for accommodation, the employee's supervisor or Appointing Authority, in consultation with the Department of Human Resources Management, will:

1. Identify the essential functions or primary work-related duties of the individual's position;
2. Assess the impact of the requested accommodation on the performance of the essential functions of the individual's position and the operation of the department or unit; and
3. Assess the potential issues posed by the request, such as impact on other employees.

### **V. Analysis of the Request for Accommodation**

Reasonable accommodations are determined on an individual basis, and may include (but are not limited to) providing an employee leave for religious observances, providing a time and/or place to pray, and/or providing the flexibility to wear religious attire. Other examples of accommodating an employee's religious beliefs include scheduling changes, voluntary substitutions of shifts or hours with a supervisor's or Appointing Authority's approval, job reassignments, and lateral transfers.

The following factors are among those to be included in the individualized assessment of a request for religious accommodation:

1. Nature of the accommodation requested
2. Duration of the request
3. Alternative accommodations

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

4. Financial impact
5. Impact on the operation of the department, division or unit
6. Ability of the individual to perform essential functions of the position, if the accommodation is granted
7. Other related factors

If the employee is working during certain hours only as an accommodation of the requirements of his/her sincerely held religious beliefs or practices, that employee is not entitled to any premium wages or premium benefits that would apply ordinarily.

#### **VI. Notification and Implementation of an Accommodation**

The employee making the request for an accommodation will be notified by his/her supervisor or Appointing Authority of the determination and, if granted, of the type of accommodation. The Appointing Authority and/or supervisor will help make an agreed-upon workplace accommodation effective.

Before any request for accommodation is denied, the supervisor or Appointing Authority will consult with the Office of Diversity and Civil Rights Compliance (DCRC) and/or the County Attorney's Office.

#### **VII. Resolving Disagreements**

In the event an employee's request for religious accommodation is denied or the employee disagrees with the supervisor's/Appointing Authority's proposed accommodation, he or she may contact the DCRC for assistance.

#### **VIII. Recordkeeping**

Documentation related to an employee's religious accommodations request, including the request for accommodation and any other information, will be shared only for authorized department or unit business reasons and will be maintained in the employee's personnel file.