



The EEOC's Focus On Religious Accommodations

Insights

2.03.14

(Dealership Update, No. 1, February 2014)

Religious accommodation claims are on the EEOC's radar screen. This means that offering religious accommodations to employees and applicants must be on your radar screen as well.

Most dealerships know that they cannot discriminate against employees and applicants based on their religion. But employers are also required to provide a reasonable accommodation to an employee's or applicant's "sincerely held" religious beliefs, unless doing so would cause more than a minimal burden on the operations of your business. Common religious accommodations that dealerships should consider include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

The number of religious discrimination lawsuits filed by the EEOC is on the rise, particularly among dealerships. To provide context of the types of issues currently being addressed by the EEOC, here are a few examples.

Dress Code Policies

The EEOC recently brought claims against a New Jersey-based dealership that prohibited applicants and employees from wearing beards. When a member of the Sikh faith applied for a position as a new salesperson, the dealership asked him to shave his beard. The applicant refused, stating that his religious beliefs required him to wear a beard, uncut hair, and a turban. The dealership did not hire him.

The EEOC filed suit against the dealership, alleging that it discriminated against the applicant on the basis of his religion and by failing to consider possible religious accommodations to its "no beard" policy.

In November 2013, the dealership agreed to pay \$50,000 and amend its dress-code policy to settle the EEOC's religious-discrimination claim. As part of the agreement, the dealership was also required to implement written policies providing for reasonable accommodation based on religion, including dress-code provisions; state the methods for requesting religious accommodations; and grant reasonable religious accommodations that eliminate conflict between an employee's religious beliefs and the company's other policies, unless the accommodation presents an undue burden to

the dealership.

Observing The Sabbath

The EEOC also settled a religious-accommodation lawsuit in September 2013, in which a California dealership was accused of discriminating against a salesperson based on his religion, Seventh-Day Adventist. A key tenet of the salesperson's faith is to observe Sabbath by refraining from secular work from sundown Friday to sundown Saturday. The EEOC alleged that, despite numerous requests by the salesperson explaining his religion, the dealership persistently scheduled him to work shifts during his Sabbath and ultimately disciplined and discharged him for taking leave to observe his Sabbath. According to the EEOC, the dealership failed to accommodate the salesperson's religious practices.

In order to settle litigation initiated by the EEOC in a California federal court, the dealership agreed to pay \$158,000 and to revise its personnel policy concerning religious accommodations. Specifically, the dealership agreed to clarify its policies regarding its obligation to provide a reasonable accommodation for an employee's religious beliefs and practices; to make clear in its policies that supervisors must immediately inform Human Resources when they are aware of a need for a religious accommodation; and take all reasonable steps to provide an accommodation.

As these cases demonstrate, a "one size fits all" policy may be problematic when it conflicts with your employees' religious beliefs. Although you have the right to enforce policies and procedures relating to an employee's physical appearance while at work and scheduling of employee's shifts and work days, you should consider whether your policies and practices provide a method for addressing the religious practices of your employees if or when those practices violate your existing policies.

Given the EEOC's increased focus on religious accommodation claims, you may want to consider whether and what accommodations can be offered to employees to resolve conflict between your policies and your employees' sincerely held religious beliefs.

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