



Department of Adult Correction
Policy and Procedure

Policy Name: Religious Accommodation
Policy Number: DAC-HR-200-03
Division: Administration
Originally Issued: November 1, 2021
Supersedes: November 1, 2021
Effective: January 1, 2023

I. PURPOSE

The purpose of this policy is to provide North Carolina Department of Adult Correction (DAC) employees and qualified applicants guidance for requesting a workplace accommodation of religious beliefs and practices in accordance with Title VII of the Civil Rights Act of 1964.

II. APPLICABILITY

This policy applies to all DAC Divisions.

III. DEFINITIONS

A. Applicant

A person who applies for employment with DAC. This includes individuals:

1. Not employed by DAC or North Carolina State government;
2. Employed by North Carolina State government, but not employed by DAC; or
3. Employed by DAC but applying for another position within the Department.

B. Division/Section Americans with Disabilities Act (ADA) Coordinator

Serves as the point of contact for employees within their Division or Section regarding accommodation requests.

C. DAC ADA Compliance Officer

A position located within the DAC Central Human Resources (HR) Employee Relations (ER) Office designated to oversee and advise on religious accommodations for the Department.

D. Employee

For the purpose of this policy, a person employed with DAC including full-time or part-time permanent employees, probationary employees, time-limited employees, temporary employees, and volunteers.

E. Religion

For the purpose of this policy, religion is defined as all aspects of religious observance and practice, as well as belief, not just practices that are mandated or prohibited by a tenet of the individual's faith.

F. Religious Accommodation

A religious accommodation is an adjustment to the work environment that will allow the employee or applicant to comply with their religious beliefs. Religious accommodations are available to employees and applicants under Title VII of the Civil Rights Act of 1964.

G. Religious Beliefs

Religious beliefs include theistic beliefs as well as non-theistic "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views."

H. Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 (Title VII) is a federal law that prohibits discrimination against employees or applicants for employment because of their religious beliefs in hiring, firing and other terms and conditions of employment. Additionally, Title VII requires employers to reasonably accommodate the religious beliefs or practices of employees or applicants unless doing so would impose an undue hardship upon the agency.

I. Undue Hardship

For purposes of this policy, undue hardship is defined as more than a *de minimis* cost on the operation of the employer's business. For example, an accommodation may cause an undue hardship if it's costly, compromise workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

IV. POLICY

- A. It is the policy of DAC to consider requests for and provide reasonable accommodation(s) to employees and qualified applicants consistent with the procedures delineated in this policy and to prohibit discrimination against employees and qualified applicants on the basis of religion.
- B. Upon receipt of a religious accommodation request, DAC shall engage in the interactive process and attempt to reasonably accommodate an employee or qualified applicant whose sincerely held religious belief, practice, or observance conflicts with a work requirement. Each request for accommodation will be evaluated on an individual case-by-case basis.
- C. DAC shall accommodate an employee's or applicant's sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship. Where there is more than one reasonable accommodation that would not pose an undue hardship, DAC is not obliged to provide the accommodation preferred by the employee or applicant.

D. An employee's request for a religious accommodation and/or granted religious accommodation shall not be considered when determining corrective action for violations consistent with the North Carolina Office of State Human Resources (OSHR) [Employee Disciplinary Action policy](#).

E. Religious accommodations may include, but are not limited to the following:

1. Scheduling adjustments;
2. Voluntary shift substitutions and/or swaps;
3. Job reassignments;
4. Designating an unused or private location in the workplace where a religious observance or practice can occur;
5. Allowing dress or grooming practices that an employee has for religious reasons; or
6. Other modifications to workplace practices, policies, and procedures.

F. Undue Hardship

Whether an accommodation will impose an undue hardship for DAC is determined on a case-by-case basis by the DAC ADA Compliance Officer in consultation with the supervisor, DAC Central HR Management, and the DAC General Counsel's Office (GCO). The factors to be considered may include, but are not limited to the following:

1. The nature and cost of the accommodation in relation to the size, financial resources, number of employees, nature and structure of the operation;
2. The impact of the accommodation on the operation of the work location that is making the accommodation;
3. The impact on workplace safety or decreases in workplace efficiency; or
4. Whether the requested accommodation would infringe on the rights of other employees or require other employees to do more than their share of potentially hazardous or burdensome work.

G. Discrimination

1. DAC is committed to diversity and nondiscrimination and supports the employment of all qualified individuals regardless of religious affiliation or beliefs. DAC does not tolerate discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under Title VII, or because of the filing of a charge, giving testimony or assistance, or participation in any manner in any investigation, proceeding, or hearing under Title VII.
2. Employees and applicants may raise concerns or complaints (without retaliation) about matters, whether alleged, perceived or actual, made unlawful by Title VII. An employee or applicant reporting an allegation of unlawful discrimination, harassment or retaliation may file a complaint following the process outlined in the OSHR [Employee Grievance policy](#). DAC will thoroughly investigate all complaints of religious discrimination, harassment, or retaliation.
3. All managers and supervisors must comply with DAC policies and procedures and the laws dealing with discrimination. Any manager or supervisor who violates any such policies,

procedures, or law will be subject to disciplinary action up to and including dismissal.

V. ROLES AND RESPONSIBILITIES

A. Division Heads or Designee(s)

1. Coordinate with the DAC ADA Compliance Officer to identify potential reasonable accommodation options.
2. Designate a Division/Section ADA Coordinator(s) for their respective Division.

B. Division/Section ADA Coordinator(s)

1. Assist the DAC ADA Compliance Officer to ensure their Division or Section is in compliance with this policy and Title VII of the Civil Rights Act of 1964 requirements.
2. Forward religious accommodation requests through the chain of command, which may include Region/District/Division Office Administrators. The Administrative Officers review, track and submit the request to the DAC ADA Compliance Officer.

C. DAC ADA Compliance Officer

1. Provide guidance to management on compliance with this policy, including but not limited to the following:
 - a) How management may refer an employee's request for a religious accommodation for review;
 - b) What may constitute a reasonable accommodation;
 - c) Whether a request for a reasonable accommodation would pose more than a minimal burden on business operations or constitute an undue hardship; and
 - d) How to appropriately provide or implement an approved religious accommodation to an employee or applicant.
2. Discuss the religious accommodation request with management and the employee to gather the appropriate information needed to approve or disapprove the request. Serve as a liaison between DAC Central HR and the Division/Section ADA Coordinator(s).
3. Determine, in consultation with DAC GCO as needed, whether a requested accommodation is approved or disapproved.
4. Ensure decisions about religious accommodation requests are made in compliance with this policy and Title VII of the Civil Rights Act of 1964.
5. Ensure that approved religious accommodations are appropriately provided.
6. Act on accommodation requests as described in Section VI.A of this policy.

D. DAC General Counsel's Office

Provides legal services and advice to DAC Central HR, and management regarding issues related to religious accommodation.

E. Employees

Provide written documentation to their supervisor or to the Division/Section ADA Coordinator requesting an accommodation based on a specified conflict between the employee's religious belief or practice and their work duties.

F. Supervisors/Managers

1. Review requests with their employee and communicate with the employee to gain an understanding of the policy and/or procedure that is causing the conflict with the religious belief or practice and their work duties.
2. Notify the DAC ADA Compliance Officer of the request and provide documentation as soon as possible.

VI. PROCEDURES

A. Employee Requests for Religious Accommodations

1. Employees requesting a religious accommodation should submit a written request to their supervisor or their Division/Section ADA Coordinator. The written request should describe the conflict between the employee's sincerely held religious belief or religious practices and their job requirements and the employee's suggested accommodation.
2. Upon receipt of the written request or being made aware of the need for a religious accommodation, the supervisor or Division/Section ADA Coordinator shall notify the chain of command or the DAC ADA Compliance Officer of the request. If the supervisor or Division/Section ADA Coordinator has discussed the request with the employee, the notification should include a written record of their discussion summarizing the details.
3. The DAC ADA Compliance Officer shall coordinate with the supervisor to:
 - a) Review the request;
 - b) Determine whether a work conflict exists due to a sincerely held religious belief or practice; and
 - c) Determine whether an accommodation is available that is reasonable and that would not create an undue hardship on the operations of the work unit or the Department. The DAC ADA Compliance Officer may request additional information from the employee in order to arrive at a decision on the request.
4. The DAC ADA Compliance Officer should consult with DAC GCO prior to the issuance of any approval or denial of a request for a religious accommodation.

5. After all information necessary for review has been received, a final decision should be made by the DAC ADA Compliance Officer within 30 business days.
6. The DAC ADA Compliance Officer shall communicate in writing the final decision to the employee, Division Head or designee, the requesting employee's supervisor, and others, as applicable.
7. If the request is approved or if an alternate religious accommodation is proposed and the employee accepts it, the supervisor and employee shall meet to discuss how the accommodation will be implemented.
8. An individual alleging unlawful discrimination, harassment, or retaliation may file a complaint following the process outlined in the OSHR [Employee Grievance policy](#).

B. Applicant Requests for Religious Accommodations

An applicant may request a religious accommodation at any time during the hiring process or following a conditional offer of employment if the accommodation is needed as a future employee.

VII. REFERENCES

- A. [NC OSHR Employee Grievance policy](#)
- B. [Title VII of the Civil Rights Act of 1964](#)