

To: All CARB Employees
From: Payam Ahmadi, Equal Employment Opportunity Officer
Date: November 20, 2023
Subject: Religious Accommodation Policy (EEO 23-01)
Effective: Immediately

POLICY STATEMENT

It is the policy of the California Air Resources Board (CARB) to provide accommodations for the religious beliefs or practices of an individual unless accommodations would create an undue hardship on CARB's operations. Religion or religious creed is a protected category under state and federal law and CARB policy.

All employees will be held accountable for their conduct. Employees who violate this policy may be subject to formal disciplinary action, up to and including dismissal.

APPLICABILITY

This policy applies to all staff, temporary staff, interns, applicants, vendors, consultants, and contractors who have sincerely held religious beliefs.

PURPOSE

This policy is intended to eliminate discrimination and allow for religious accommodation in the workplace by setting forth the rules governing religious accommodation.

AUTHORITY

- *California Government Code sections 12940, et seq.*
- *California Code of Regulations, Title 2, Division 4.1, Chapter 5, Subchapter 2, Article 8*
- *Assembly Bill 1964 (California Workplace Religious Freedom Act of 2012)*
- *Title VII of the Civil Rights Act of 1964 (42 USC § 2000e, et seq.)*

DEFINITIONS

Religion or religious creed includes any traditionally recognized religion as well as beliefs, observances, or practices that an individual sincerely holds and which occupy in the individual's life a place of importance parallel to that of traditionally recognized religions. It encompasses all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

Religious practices include, but are not limited to, observance of a religious holy day or days, reasonable time necessary for travel prior and subsequent to a religious observance, religious dress practice, and religious grooming practice.

Religious accommodation is an adjustment made to a job and/or the work environment that enables an individual to exercise their religion or religious practices without causing undue hardship to the employer. The need for religious accommodation may arise where an individual's religion or religious practices conflict with a specific task or requirement of the position or an application process. A religious accommodation eliminates the conflict between the religious practice and the job requirement and may include, but is not limited to, job restructuring, job reassignment, modification of work practices, or allowing time off. Unless expressly requested by an employee, an accommodation is not reasonable if it requires segregation of an employee from other employees, stakeholders, or the public.

Undue hardship occurs if a specific type of accommodation causes significant difficulty or expense. CARB is not required to provide an accommodation that creates an undue hardship. Determination of undue hardship is made on a case-by-case basis.

PROCEDURE

A. Written Requests

A religious accommodation request is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to religion, religious creed, or religious practice. The religious accommodation process begins as soon as the request for accommodation is made.

To request a religious accommodation, individuals must submit a written request to either their supervisor or CARB's Equal Employment Opportunity (EEO) Office identifying the following:

- The individual's name, work telephone number, work location, work unit, and division.
- The individual's current work schedule (days and time).
- The supervisor's name and telephone number.
- The specific belief, practice, or circumstance that requires accommodation.
- The specific accommodation being requested.

If an employee submits the written request to their supervisor, the supervisor must forward the request to the EEO Office as soon as possible.

Individuals may request a religious accommodation whenever they choose. CARB employees or applicants may consult the EEO Office for further information or assistance in connection with requesting or processing a request for religious accommodation.

B. Interactive Process

The next step is for the parties to engage in the interactive process to determine what, if any, accommodation should be provided. Upon receipt of the request, the EEO Office and the supervisor will analyze the request in conjunction with CARB's operational needs. The supervisor and/or the EEO Office will discuss with the individual requesting the accommodation options as to how the needs of the employee can be accommodated within the terms of the law and the operational needs of CARB, taking into account the following:

- The specific request.
- The individual's current schedule, job duties, and responsibilities and how the request, if approved, will impact their schedule, job duties, and responsibilities.
- Any documentation that supports the sincerely held religious belief.
- Possible options to accommodate the sincerely held religious belief and meet operational needs of the unit.
- Timelines of the request.

CARB and the individual requesting accommodation are obligated to participate in the interactive process in good faith and are required to communicate directly and exchange essential information to work towards the shared goal of identifying an effective religious accommodation. The individual requesting accommodation should participate to the extent possible to help identify an effective accommodation. Ongoing communication is particularly important where the specific limitation or conflict is unclear; where an effective accommodation is not obvious; or where the parties are considering different options for accommodation.

C. Determination

Employees should submit their request for religious accommodation as soon as they become aware of the need. CARB will process requests and either provide accommodation or deny the request, where appropriate, in as short a time frame as reasonably possible. CARB recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain additional information.

The determination letter will include the following: the requested accommodation; whether the request is approved or denied (and reasons for denial); any other accommodation considered; and the individual's appeal rights.

D. Internal Appeals

Individuals can request prompt reconsideration of a denial of a request for accommodation.

- The individual should first ask the EEO Office to reconsider the decision. Additional information may be presented in support of the request.

- The individual may appeal the decision at the department level, to their Deputy Executive Officer.

Pursuing any of the informal dispute resolution procedures identified above, including seeking reconsideration from the EEO Office and appealing to the Deputy Executive Officer, does not affect the time limits for initiating statutory claims.

An individual's participation in any informal dispute resolution process does not satisfy the requirements for bringing a claim under state or federal law or union grievance procedures.

MONITORING

CARB reserves the right to monitor all religious accommodation requests. The EEO Office, the designated record keeper, shall maintain the confidentiality of all records obtained through the process. Managers/supervisors will forward all documentation gathered during the process to the EEO Office once the determination has been made.

RETALIATION

Retaliation includes any adverse employment action that is motivated by the employee's participation in a protected activity, such as making a request for accommodation or participating in the interactive process. CARB prohibits retaliation as defined in this policy and will take prompt and appropriate corrective action, including formal disciplinary action up to and including dismissal, for incidents of retaliation. Employees who believe they have experienced retaliatory behavior, or who witness that behavior, should report it to a supervisor, manager, or the EEO Office.

CONTACT

Questions about this policy should be directed to the EEO Office via email at EEOP@arb.ca.gov.