
GST MICHIGAN WORKS! PI 15-24 Change 1

- TO:** GST Michigan Works! One-Stop Partners, Service Providers, Employer - Based Training Employers, Participants, Other Interested Parties, and Employees
- FROM:** Jody Kerbyson, CEO
- SUBJECT:** Respect for Religious Beliefs Reasonable Religious Accommodation
- EFFECTIVE:** February 1, 2024
- PROGRAMS:** All programs and activities that operate as part of the GST Michigan Works! workforce system are covered by these policy & procedure requirements. Such programs include, but are not limited to:
- Workforce Innovation and Opportunity Act (WIOA) Title I Programs
 - Partnership, Accountability, Training, Hope (PATH) Program
 - Wagner-Peyser (Employment Service) Program
 - Food Assistance Employment & Training Program
 - Trade Adjustment Assistance (TAA) Program
- REFERENCES:**
- Workforce Innovation and Opportunity Act (WIOA) of 2014
 - Title VII of the Civil Rights Act of 1964 (Title VII)
 - The U.S. Equal Employment Opportunity Commission
 - GST Michigan Works! Nondiscrimination & Equal Opportunity Policy: Part 4.2
 - Other statutes prohibiting discrimination in federally assisted programs and activities
 - Other provisions reflecting standards adopted by the State of Michigan to ensure EO compliance in programs funded in whole, or in part through state government agencies
- BACKGROUND:** In accordance with federal/state laws and the GST Michigan Works! Nondiscrimination & Equal Opportunity Policy Guide, GST Michigan Works! and its subrecipient network prohibits discrimination on the basis of religion. With this prohibition comes an obligation to provide reasonable accommodation for a person's sincerely held religious beliefs, practices or observances when requested unless the accommodation would impose an undue hardship. A religious accommodation is any adjustment to the training/service(s) environment or work environment that will allow an individual to observe or practice his/her religion.

This policy sets forth the procedures for handling requests for religious accommodation by applicants or participants in training programs, subrecipients, job applicants, employees, One-Stop partners, or other interested parties.

I. POLICY: Reasonable Religious Accommodation Procedures and Policy

A. Religious Belief or Practice Defined:

Title VII of the Civil Rights Act of 1964 protects all aspects of religious observance and practice as well as belief and defines religion very broadly for purposes of determining what the law covers. For purposes of Title VII, religion includes not only traditional, organized religions, but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others. An individual's belief or practice can be "religious" under Title VII even if that individual is affiliated with a religious group that does not espouse or recognize that individual's belief or practice, or if few, or no, other people adhere to it. Religious belief includes, but is not limited to, a sincerely held belief in a deity or deities, as well as non-theistic moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views. Title VII's protections also extend to those who are discriminated against or need accommodation because they profess no religious beliefs. A religious belief or practice may represent mainstream religious views, or the belief or practice may be less common, less understood, and less well known. The concept of religious belief or practice also included persons who ascribe to no religious belief or practice at all.

Examples of religious beliefs under Title VII include, but are not limited to, Christianity, Judaism, Islam, Hinduism, Buddhism, Native American spiritual beliefs, Sikh, Wicca, Agnostic, Atheist, and countless others.

Examples of religious observances or practices include, but are not limited to, attending worship services, praying, wearing religious attire or symbols, displaying religious objects, adhering to certain dietary rules, other forms of religious expression, or refraining from certain activities.

Whether a practice is religious depends on the person's motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons (e.g. dietary restrictions, tattoos, etc.)

A religious belief or practice typically concerns ultimate ideas about life, purpose, and death.

Social, political, or economic philosophies, as well as personal preferences, are not "religious" beliefs protected by Title VII.

B. The Religious Belief or Practice Must Be "*Sincerely Held*":

Religious-based accommodation is premised on the fact that the asserted "religious belief or practice" is "sincerely held" by the requestor. Generally, this requirement is met without difficulty. However, if GST Michigan Works! 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 requestor's claim that the belief or practice at issue is religious and sincerely held and gives rise to the need for the accommodation.

C. Essential Eligibility Requirements Must Be Met:

Before entertaining a request for religious accommodation, the requestor must meet the "essential eligibility requirements" for the program or activity funded aid, benefit, service, or training at issue. If a person does not meet the "essential eligibility requirements" for the program or activity, then there is no obligation to provide accommodation.

D. Religious-Based Accommodation Requests - Examples:

In programs and activities, depending on the circumstances, examples of religious-based accommodations that might be reasonable include:

- Changes in scheduling of programs and activities;
- Modification of testing and selection procedures;
- Modification of dress and/or grooming requirements;
- Accommodating prayer and other forms of religious expression.

In the workplace, depending on the circumstances, examples of religious-based accommodations that might be reasonable include:

- Scheduling changes, voluntary substitutes, and shift swaps;
- Changing an employee's job tasks or providing a lateral transfer
- Modification of testing and selection procedures;
- Modifications of dress and/or grooming requirements;
- Accommodating prayer and other forms of religious expression
- Use of the work facility for a religious observance

Generally, a religious-based accommodation request is made to address conflicts between a program or activity and a person's religious belief or practice.

For example, a request is received that orientations for programs and activities be scheduled any day of the week except Friday, because Friday is considered a "holy day" by the requestor. This is an example of a religious-based accommodation request.

Or

Another example, if an employee has requested a schedule change to accommodate daily prayers, GST Michigan Works! may need to ask for information about the religious observance, such as time and duration of the daily prayers, in order to determine whether accommodation can be granted without posing an undue hardship on the operation of the agency. Moreover, even if GST Michigan Works! does not grant the employee's preferred accommodation, but instead provides an alternative accommodation, the employee must cooperate by attempting to meet his/her religious needs through the agency's proposed accommodation if possible.

E. Communication Is A Must:

If a program applicant or participant seeks accommodation based on his/her religious beliefs or practices, then the accommodation request must be made known to the subrecipient delivering the program, service, or activity. The request for an accommodation may trigger an interactive process between the subrecipient and the individual making the request to discuss the request and assess available options. Magic words are not required, but the individual must convey enough information for the subrecipient to understand that accommodation is sought pursuant to the individual's religious beliefs or practices.

An employee or employment applicant who seeks religious accommodation must make GST Michigan Works! aware both of the need for accommodation and that it is being requested due to a conflict between religion and work. Employer-employee cooperation and flexibility are key to the search for a reasonable accommodation. If the accommodation solution is not immediately apparent, GST Michigan Works! should discuss the request with the employee or job applicant to determine what accommodations might be effective. If GST Michigan Works! requests additional information reasonably needed to evaluate the request, the employee or applicant should provide it.

GST Michigan Works! /subrecipient cannot be held liable for failure to provide religious accommodation if it was unaware of the need in the first place.

Information sharing between the requester and GST Michigan Works! /subrecipient is critical as determinations of religious accommodation are made on a case-by-case basis after consideration of the particular facts.

F. Avoid Discriminatory Consideration of Requests:

If an applicant meets the essential eligibility requirements for a program or activity, or employee, requests accommodation based on bona fide religious belief or practice, then GST Michigan Works! /Subrecipient is obliged to avoid consideration of discriminatory criteria when rendering a determination on the accommodation request. Examples of discriminatory criteria include, but are not limited to, the following:

- "The person looks like a terrorist";
- "The person's beliefs are illogical, inconceivable, or incorrect";
- "I disagree with the person's beliefs";
- "The person's name is associated with a particular religion";
- "The person's name is associated with terrorism";
- "The person's religious belief or practice is offensive";
- "The person's religious belief or practice is immoral";
- "I am uncomfortable with the religious belief or practice";
- "The person's religious belief or practice is in the minority".

Sincerely held religious beliefs and practices are intensely personal, and they must be accepted "as is" for purposes of addressing a religious accommodation request under federal civil rights laws.

G. Undue Hardship:

Title VII requires GST Michigan Works! /Subrecipient to provide reasonable religious-based accommodation unless it can demonstrate undue hardship. For purposes of religious accommodation only, undue hardship means any additional, unusual cost, more than *de minimis* cost or burden. Note that this is a lower standard to meet than undue hardship under the American with Disabilities Act (ADA), which is defined in that statute as "significant difficulty or expense".

Asserting speculative, or showing only *de minimis* costs associated with providing accommodation does not give rise to a finding of undue hardship. Undue hardship must be determined on a case-by-case basis after consideration of all the facts. The following factors may be relevant:

- Costs associated with providing the accommodation are identifiable and more than *de minimis* in relation to the recipient's size and operating costs;
- Providing the requested accommodation would diminish the efficiency of recipient's programs and activities;
- The accommodation decreases workplace efficiency;
- Safety would be impaired by allowing the accommodation;
- The requested accommodation would conflict with another civil rights law, or infringe on the rights of other employees;
- The accommodation requires other employees to do more than their share of potentially hazardous or burdensome work.

In assessing whether a requested accommodation would conflict with another law, it is important to keep in mind that Federal/State-funded programs and activities operate using taxpayer dollars, and there are taxpayers of all races, colors, national origins, genders, disabilities, and religions. These funds, in turn, are used to provide aid, benefits, services, and training to any member of the public meeting certain essential eligibility requirements, and/or employees. Attached to this Federal/State-funding are obligations imposed on the recipient to ensure nondiscrimination on a variety of bases, including religion, sex, race, national origin, color, disability, and age, among others.

Example: A request for religious accommodation is received that would require separate classes for men and women based upon a particular religion requiring separation of men and women in educational programs. Federal laws prohibit discrimination on "prohibited grounds", one of which is sex. Subjecting an individual to segregation or separate treatment in any matter related to his or her receipt of any aid, benefits, services, or training is prohibited.

In the example, granting the requested accommodation (segregation of men and women in educational programs) would lead the recipient to engage in gender-based discrimination in violation of federal law. The same would hold true if the recipient received a religious-based accommodation request seeking segregation based on race, color, national origin, age or other protected base. It is not reasonable to discriminate against program participants or employees on one of these prohibited grounds/bases in order to accommodate a religious belief or practice.

H. Retaliation Is Prohibited:

GST Michigan Works! prohibits any retaliation against applicants or participants in training programs, service providers, job applicants, employees, One-Stop partners, providers of training services, or other interested parties for (i) requesting a religious accommodation (or is anticipated to request a religious accommodation); or (ii) participated in any manner in the processing of a religious accommodation request or complaint. Retaliation may be any conduct aimed at dissuading an individual from exercising the right to request a religious accommodation.

II. PROCEDURE FOR REQUESTING A RELIGIOUS ACCOMMODATION:

A. Notification:

An individual seeking a religious accommodation must notify GST Michigan Works! or subrecipient of his or her need for an accommodation. The notice should include: (1) a description of the conflict between a participation/training requirement, work requirement or application process, **and** (2) his or her religious belief, observance, or practice.

A request for a religious accommodation must be made within a reasonable amount of time prior to the time that the accommodation is needed in order to minimize impact to GST Michigan Works! and/or subrecipient operations. Individuals should use the *Request for Religious Accommodation Form* which is contained within this document.

B. Decision on Accommodation Request:

GST Michigan Works! or subrecipient will notify the individual of the decision to **grant** or deny the request for religious accommodation. The decision must be documented on the *Request for Religious Accommodation Form* and a copy provided to the individual requesting the accommodation.

III. COMPLAINTS:


If a request for a religious accommodation is denied, the individual requesting the accommodation may file a complaint utilizing the GST Michigan Works! Grievance and Complaint Policy. Where a timely request is made but denied, GST Michigan Works! Grievance and Complaint Policy process shall be expedited as much as reasonably possible to ensure that an individual pursuing a religious accommodation is not unduly disadvantaged by the passage of time.

An individual may also file a complaint with GST Michigan Works! E.O. Officer, Michigan Department of Civil Rights, U.S. Equal Employment Opportunity Commission, or U.S. Department of Labor Civil Rights Center.

IV. CONFIDENTIALITY:

Contents of requests for religious accommodation will be shared only as necessary to consider the approval and/or implementation of an appropriate accommodation.

ACTION: Subrecipients and Agency staff shall take the appropriate actions necessary to implement the directives of this policy issuances.

SIGNED:  2-1-2024
Jody L. Kerbyson, C.E.O. Date
GST Michigan Works!

Attachments:

**GST MICHIGAN WORKS!
REQUEST FOR RELIGIOUS ACCOMMODATION FORM**

REQUESTOR INFORMATION:

Date Submitted: _____

Name of Individual Requesting Accommodation: _____

Address: _____

Telephone: (____) _____

Alternate Contact Number: (____) _____

E-Mail Address: _____

PLEASE CHECK APPROPRIATE IDENTIFIER:

Program/Services Applicant

Employee

Service Provider/
Sub-Recipient

Program/Services Participant

Job Applicant

*Other (Explain Below)

* _____

****EMPLOYEES ONLY:**

Location: _____

Supervisor: _____

REQUEST FOR RELIGIOUS ACCOMMODATION:

A reasonable religious accommodation is a change in the training course or program of study, in the way services are provided or accessed, or a work requirement or application process that enables an individual to participate in his/her religious practice of belief without undue hardship on GST Michigan Works! and/or its subrecipient(s). To consider your request for a religious accommodation, please provide the following information (if necessary, please use additional sheets for any of the information requested below):

Name of religion: _____

Please outline the specific religious practices and/or requirements that you feel require reasonable accommodation:

What policy, practice, or schedule do you desire to have modified? (For employees, what aspect of your job should be modified?) _____

What reasonable accommodations are you requesting at this time? _____

State dates(s)/frequency of requested accommodation: _____

What are some accommodation options? _____

Is there any other information that you think would be helpful in evaluating your request? _____

RELIGION TENET(S) DOCUMENTATION:

If requested, can you obtain documentation or other authority to support the need for an accommodation based on your religious practice of belief? YES ____ NO ____

Please Note: In some cases, GST Michigan Works! And/or its sub-recipient(s): (1) will need to obtain documentation or other authority regarding your religious practice or belief, or (2) may need to discuss the nature of your religious belief(s), practice(s) and accommodation with your religion's spiritual leader (if applicable), or religious scholars to address your request for an accommodation.

I verify that the above information is complete and accurate to the best of my knowledge and I understand that any intentional misrepresentation contained in this request may result in disciplinary action.

Signature: _____ **Date:** _____

FOR GST MICHIGAN WORKS! /SUBRECIPIENT USE ONLY:

Date accommodation request received: _____

ACCOMMODATION APPROVAL:

What specific accommodation will be provided? _____

State date(s) or duration for the accommodation: _____

Authorized Signature: _____ Date: _____
Title: _____

ACCOMMODATION DENIAL

Ultimate outcome and reason for denial; e.g. requested accommodation required significant expense or difficulty, including a significant interference with the essential functions of the activity (specify):

Authorized Signature: _____ Date: _____
Title: _____

*****Return a copy of this completed and signed form back to the requester*****

COMPLAINT PROCESS:

If a request for religious accommodation is denied, the individual requesting the accommodation may file a complaint utilizing the GST Michigan Works! Grievance and Complaint policy. Where a timely request is made but denied, the GST Michigan Works! Grievance and Complaint Policy process shall be expedited as much as reasonably possible to ensure that the individual pursuing a religious accommodation is not unduly disadvantaged by the passage of time. An individual may also file a complaint with the Michigan Dept. of Civil Rights, the U.S. Equal Employment Opportunity Comm., U.S. Dept. of Labor Civil Rights Center, or:

Kelly Cook, E.O. Officer
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Michigan Relay Center: Dial 711
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