



FAIR PRACTICES DEPARTMENT
MARYLAND JUDICIAL CENTER
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ANNAPOLIS, MARYLAND 21401

Policy on Religious Accommodation

FREQUENTLY ASKED QUESTIONS

1) *What does “religion” mean under the Judiciary’s [Policy on Religious Accommodation](#)?*

The Judiciary’s *Policy on Religious Accommodation* (“Policy”) protects all aspects of religious belief, observance and practice. “Religion” includes all widely recognized religions, as well as other systems of belief or worship.

2) *What is a “religious belief”?*

A “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.

3) *What is a “religious observance or practice”?*

A “religious observance or practice” includes, but is 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.

4) *Under what circumstances might the Judiciary accommodate an employee or applicant’s religious belief, observance or practice?*

An employer in the Judicial Branch, once on notice that a religious accommodation is requested, will reasonably accommodate an employee or applicant whose sincerely held religious belief, observance or practice conflicts with a work requirement or application process, unless doing so would pose an undue hardship.

An “undue hardship” occurs when granting a request would result in more than a minimal cost or burden on operations. Factors to consider in determining whether an accommodation would impose an undue hardship include, but are not limited to: the nature and cost of the requested accommodation; the impact on resources and business operations; any impact on workplace safety; and the number of employees requiring similar accommodation at the same time.

5) *What are common methods of religious accommodation in the workplace?*

Depending on the circumstances, examples of accommodations that might be reasonable include:

- Work schedule changes, voluntary substitutes, and shift swaps
- Changing an employee's job tasks or providing a lateral transfer
- Making an exception to dress and grooming rules
- Use of the work facility for a religious observance
- Accommodating prayer and other forms of religious expression

6) *Must the Judiciary grant all requests for religious accommodation?*

No. An employer in the Judicial Branch will only be able to accommodate those conflicts between a sincerely held religious belief and a work requirement (or application process) when the accommodation would not pose an undue hardship. Requests for religious accommodation will be evaluated on a case-by-case basis, including consideration of the timing of the request.

7) *How does an employee or applicant make a request about the need for an accommodation?*

An employee or applicant who seeks religious accommodation must notify their Judiciary Representative of the need for accommodation and explain how a work requirement or application process conflicts with a sincerely held religious belief, observance or practice.

For an employee, the Judiciary Representative is the employee's immediate supervisor or EEO Coordinator. For an applicant, the Judiciary representative is the individual identified in the job announcement or, if not stated, the Director of the Judiciary's Human Resources Department, or the EEO Coordinator.

8) *How far in advance do I need to request a religious accommodation?*

An employee or applicant should notify the Judiciary Representative as soon as he or she becomes aware of the need for an accommodation. Whenever possible, requests should be made with as much notice as possible to give the Judiciary Representative sufficient time to consider the request in conjunction with the needs of the operation.

9) *Is a Judiciary Representative required to determine whether a religious belief is sincerely held?*

No. A Judiciary Representative must consult with the Fair Practices Department when a request for religious accommodation is received.

10) *When should a Judiciary Representative contact the Fair Practices Department?*

A Judiciary Representative must contact the Fair Practices Department upon receipt of a request for a religious accommodation.

11) *Does the Policy prohibit retaliation against an employee or applicant who requests a religious accommodation?*

Yes. The *Policy on Religious Accommodation* strictly prohibits retaliation against an employee or applicant for requesting a religious accommodation. Retaliation may be any conduct aimed at dissuading an individual from exercising the right to request a religious accommodation, such as disciplinary action, transferring an employee to an undesirable location, refusing to select a candidate for employment or subjecting an employee to a hostile work environment because he or she requested a religious accommodation.

12) *Does the Policy provide Judiciary employees with a new form of paid leave?*

No. The *Policy* does not create a new form of paid leave. If approved, an employee requesting a religious accommodation may use accumulated leave, such as annual leave, personal leave or compensatory leave, to cover absences associated with the accommodation. In some circumstances, an employee may also take time off from work without pay in order to participate in a religious observance.

13) *What if my request is denied?*

If your request for a religious accommodation is denied, you may file a complaint pursuant to the Judiciary's [*Policy Prohibiting Discrimination, Harassment, and Retaliation*](#).

14) *If I have other questions about the Policy, where may I get assistance?*

You may contact the Fair Practices Department by telephone at 410-260-3679 or by email at fairpractices@mdcourts.gov.