

## EXAMPLES

I recently began wearing a religious head covering. My employer questioned my religious beliefs, pointing out that I have not previously observed this practice. He refused to allow the head covering. Can my employer question my religious practice because it has changed?

**Employees may change their religious beliefs, and their degree of adherence to the practices of their religion, as they wish.**

I observe my Sabbath, and usually my work schedule has been adjusted so that I do not have to work that day. But recently, I was required to work my Sabbath. My manager said the only other person available to cover the shift that week was also off, and my work station can't be left unstaffed. Is it a violation of the law to require me to work on my Sabbath?

**It depends. If not having coverage for your shift places an undue hardship on your employer, they are within their rights to deny the accommodation when no one else is available. However, if there is someone to trade shifts with you, your employer should consider whether it meets his needs.**

My employer permits me to take off holy days that I observe as a requirement of my religion. But I am required to use leave time for those days, and if I have no leave time left, my pay is docked. Is this unlawful?

**No. While you are entitled to the time off as an accommodation, your employer is not required to provide paid time off.**

## FILING A COMPLAINT at the DIVISION

If you believe that you have been discriminated against because of your religion, or if you have been denied a reasonable accommodation, you may file a complaint with the New York State Division of Human Rights.

A complaint must be filed within one year of the last alleged discriminatory act.

To file a complaint:

- Visit the Division's website, at [WWW.DHR.NY.GOV](http://WWW.DHR.NY.GOV), and download a complaint form. Completed complaints should be signed before a notary public and returned by email, fax, postal mail or in person.
- Contact one of the Division's offices by telephone or by mail to obtain a complaint form and/or other assistance in filing a complaint.
- Stop by a Division office in person.

For more information, or to find the regional office nearest to you, visit [WWW.DHR.NY.GOV](http://WWW.DHR.NY.GOV)

You can also call the toll-free **HOTLINE** at **1-888-392-3644**.

Your complaint will be investigated by the Division, and if the Division finds probable cause to believe discrimination has occurred, your case will proceed to a public hearing. There is no fee charged for these services.

If the Commissioner of Human Rights finds in your favor following the hearing, the relief awarded to you may include such remedies as a cease-and-desist order, reinstatement to your job with back pay, and monetary compensation for the harm you suffered.



Division of  
Human Rights

## REASONABLE ACCOMMODATIONS for Religious Observance and Practices IN EMPLOYMENT

**ONE FORDHAM PLAZA  
BRONX, NEW YORK 10458**

**1-888-392-3644**

**FAX: 718-741-8322**

**TTY: 718-741-8300**

**WWW.DHR.NY.GOV**

## **Discrimination on the Basis of Creed**

Generally, it is unlawful to treat a job applicant or employee differently in recruitment, hiring and employment because of that person's creed, which includes an individual's religious beliefs or affiliation.

## **Religious Accommodations**

New York State's Human Rights Law protects employees and job applicants from discrimination that may require them to violate or forgo a sincerely held practice of their religion as a condition of getting hired or keeping a job.

The law requires that employers make an effort to reasonably accommodate an employee's religious practices, so long as it does not cause an undue hardship for the employer.

## **Harassment**

Workplace harassment on the basis of religious affiliation or belief is unlawful. This could consist of such actions as making jokes or offensive comments about a person's religion or religious practices. If you experience harassment because of your religion, you should report it to your supervisor or management personnel. You can also file a complaint with us, the Division of Human Rights. You do not have to file a complaint with your job before filing with us.

## **Employee Rights**

Religious practices that may be accommodated include, but are not limited to, observance of the following:

- Sabbath and holy days (including travel time)
- Prayer requirements
- Religiously mandated clothing or headgear
- Religiously mandated hairstyle and beard requirements

## **Employee Responsibilities**

- Let your employer know that your request for accommodation is based on your religious beliefs.
- Help your employer to figure out a reasonable accommodation, and allow sufficient time for this process.
- Know the essential duties of your position, and understand that the accommodation you request must not make it impossible for you to perform these essential duties.

## **Reasonable Accommodation**

Reasonable accommodation refers to an adjustment or modification to workplace rules or environment so that an employee can practice his or her religion. Accommodations may include, but are not limited to:

- Time off or modified work schedule
- Trading shifts with a co-worker
- Modifications to dress code
- Schedule changes to account for Sabbath or holy day observance

An employer is not required to grant the specific accommodation requested, as long as the accommodation offered meets the employee's needs.

## **Undue Hardship**

An employer is generally obligated to provide a religious accommodation unless doing so would cause an undue hardship. An accommodation may cause an undue hardship if it is very expensive, significantly interferes with the safe or efficient operation of the workplace, or if it substantially affects the rights of other workers. Undue hardship is determined on a case-by-case basis. Factors to be considered may include, but may not be limited to, cost, lost productivity, and the number of employees who will need a similar accommodation.

## **Retaliation**

Unlawful retaliation occurs when negative action is taken against someone in response to that person complaining, reporting or opposing discrimination against themselves or others. The Human Rights Law protects against retaliation, and a claim of retaliation is enough to warrant a separate complaint against an employer.

## **Remember...**

- Every case is different.
- Get answers to questions based upon your specific circumstances.
- We provide language access services in more than 240 languages.
- Religious accommodations and protections are not just limited to the workplace. The Human Rights Law also protects against religious discrimination in housing, and places of public accommodation, among other areas.