



City of Lansing's Anti-Religious Discrimination and Religious Accommodation Policy

INTRODUCTION

This policy prohibits discrimination on the basis of religion in accordance with all applicable law(s), including Title VII of the Civil Rights Act of 1964 ("Title VII"). This Policy applies to all individuals covered by Title VII, including but not limited to applicants, current and former employees, and, in certain circumstances, volunteers of the City of Lansing ("Lansing" or the "City").

Examples of religious discrimination include:

- treating a covered individual differently because of his/her religious beliefs, practices, or observances in any aspect of employment;
- subjecting a covered individual to harassment because of his/her religious beliefs, practices, or observances;
- denying a religious accommodation to a covered individual if granting a religious accommodation would not create an undue hardship on the conduct of the City's operations; and
- retaliating against a covered individual who has participated in the EEO process in any manner regarding religious discrimination or religious accommodation requests or opposed an employment decision that he/she reasonably believed constituted religious discrimination.

DEFINITIONS

Covered individual. Any individual covered by Title VII, including but not limited to an applicant, a current or former employee, and, in certain circumstances, a volunteer.

Religious accommodation. A right for covered individuals to request an exception, called a religious accommodation, from an employer requirement that conflicts with their sincerely held religious beliefs, practices, or observances.

Religious Accommodation Coordinator. The Religious Accommodation Coordinator is responsible for responding to and approving or denying requests for accommodation and for responding to religious discrimination complaints. The Religious Accommodation Coordinator will be trained in and responsible for engaging in an interactive process with the covered individual to understand the request and to determine any potential accommodations. The Director of the Department of Human Resources, or their designee, will serve as the Religious Accommodation Coordinator. Covered individuals may contact any manager or Department of Human Resources employee at any time to obtain the contact information for the current Religious Accommodation Coordinator.

Religion refers to all aspects of an individual's sincere religious belief, practice, or observance.

Undue hardship. An undue hardship occurs when the burden of granting a requested accommodation results in substantial increased costs to Lansing in relation to the conduct of its operations. This is a fact-specific inquiry, which takes into account all relevant factors, including the accommodations at issue and their practical impact considering the nature, size, and operating cost of the employer. If an employer shows that it cannot reasonably accommodate a covered individual's religious beliefs, practices, or observances without undue hardship on its operations, the employer is not required to grant the accommodation.

Complainant is the individual who reports being subjected to discrimination by Respondent in violation of this Policy.

Respondent is the individual who is alleged to have discriminated against Complainant in violation of this Policy.

RELIGIOUS ACCOMMODATIONS

The City of Lansing is committed to accommodating the sincere religious practices, beliefs, and observances of all individuals covered by Title VII unless doing so would impose an undue hardship on the conduct of the City's operations. Covered individuals whose religious beliefs, practices, or observances conflict with Lansing's rules, policies, or procedures may request a religious accommodation.

Covered individuals are encouraged to make a request for religious accommodation as soon as practicable.

Some examples of religious accommodations include:

- Modifications or adjustments to work or shift schedule, including flexible arrival and departure times; floating or optional holidays; flexible work breaks; use of lunch time in exchange for early departure; staggered work hours; voluntary shift swaps and substitutes;
- Transfers or change of job assignments;
- Incentive pay to encourage coverage of certain shifts;
- Modifications or adjustments to head covering rules and dress codes; and
- Any other accommodation if granting such an accommodation would not result in substantial increased costs in relation to the conduct of Lansing's particular operations.

Accommodations may be subject to collective bargaining negotiation and memorandum of understanding.

PROCEDURES FOR REQUESTING RELIGIOUS ACCOMMODATION

1. Any covered individual may request a religious accommodation, which can be made orally or in writing. The covered individual is encouraged to submit a request for a religious accommodation in writing that includes:
 - The name, department, and position of the individual requesting the religious accommodation;
 - Date the request is submitted;
 - Requesting individual's contact information;
 - The requested religious accommodation and the requested start date and, if applicable, end date;

- An explanation of how the employer's requirement conflicts with the individual's sincere religious beliefs, practices, or observances; and
- Any other information the requesting individual believes is relevant to the request.

Assistance in completing this form is available from the Department of Human Resources or by contacting the Religious Accommodation Coordinator. Supervisors and managers who have grounds for believing that a covered individual is asking for a religious accommodation are responsible for informing the covered individual of the right to request a religious accommodation and the procedures for doing so and providing the covered individual with this policy.

2. The religious accommodation request should be submitted to the Department of Human Resources or the Religious Accommodation Coordinator. Individuals may submit these requests in person or by emailing Human.Resources@lansingmi.gov. Any religious accommodation request will be kept confidential to the greatest extent possible.
3. The determination whether to provide a religious accommodation is made on a case-by-case basis. This is an interactive process through which the City, including the Religious Accommodation Coordinator, and the individual requesting a religious accommodation discuss and consider any potential religious accommodations. Consideration should be given to the preferences of the individual when deciding on how to accommodate the individual. However, the Religious Accommodation Coordinator, in consultation with the affected Department, has the ultimate discretion to choose an effective religious accommodation(s). Lansing is required to consider various ways to accommodate a covered individual's religious practice.
4. After meeting with the individual to discuss potential religious accommodations, the Religious Accommodation Coordinator will work with the affected Department to provide the individual with a religious accommodation, unless providing a religious accommodation would impose an undue hardship on the City's operations. The Religious Accommodation Coordinator may utilize appropriate resources to identify possible accommodations.

Factors to consider when reviewing a request for religious accommodation include but are not limited to:

- the operational needs of the Department;
 - any possible accommodations;
 - the financial and operational impact on the City of Lansing of granting a religious accommodation; and
 - the terms of any applicable Collective Bargaining Agreement.
5. The Religious Accommodation Coordinator will inform all parties in writing:
 - Of his/her decision within thirty (30) calendar days of receipt of the religious accommodation request.
 - If the accommodation is granted, the decision should include the specific religious accommodation granted, the start date of such accommodation, and, if applicable, the end date.

- If the individual is not accommodated, the Religious Accommodation Coordinator will set forth in writing the reasons a religious accommodation was not granted; and
 - The procedure for appealing the Religious Accommodation Coordinator's decision.
6. The decision may be appealed to the Director of Human Resources. All appeals must be in writing, specifying the reason for the appeal and submitted within fourteen (14) days of receipt of the decision. The decision on appeal is final. The individual will be notified in writing of the decision on appeal. A covered individual may also file a complaint with the Equal Employment Opportunity Commission or the Michigan Civil Rights Commission.

COMPLAINT PROCEDURE FOR RELIGIOUS DISCRIMINATION COMPLAINTS

Any covered individual may make a complaint of religious discrimination. Individuals are encouraged to file a complaint as soon as they can after the alleged discriminatory conduct occurs.

Complaints of religious discrimination should be made as follows:

- a. If the complaint does not involve a Department of Human Resources employee: reports of religious discrimination should be made to a supervisor, a Department Director, or to the Department of Human Resources Director or Deputy Director. If the complaint is lodged with a supervisor or a Department Director, the supervisor or Department Director must relay the complaint to the Department of Human Resources within three business days.
- b. If the complaint involves a Department of Human Resources employee: the complaint of religious discrimination should be made to a supervisor, a Department Director, or to the City Attorney. If the complaint is lodged with a supervisor or a Department Director, the supervisor or Department Director must relay the complaint to the City Attorney within three business days.

As used in this policy the term "supervisor" means (1) any Lansing employee who has the authority to hire, fire, promote, transfer, discipline, or take any other tangible employment action against another employee; or (2) any Lansing employee who possesses the authority to direct the work activities of at least one other employee.

If you have a question about who your supervisors are or whether you qualify as a supervisor under this Policy, please contact your Department Director or Human Resources.

Further, all covered individuals, regardless of whether they are a supervisor as defined in this Policy, are strongly encouraged to immediately report any conduct that they believe may violate this Policy to a supervisor, a Department Director, or to the Department of Human Resources.

Complaints may be made orally or in writing. If a complaint is made orally, the supervisor, Department Director, Human Resources employee, or Office of the City Attorney employee who receives the complaint will promptly document the complaint in writing. A copy of any written complaint will be provided to Complainant.

Complainants are encouraged to include the following information in their complaint:

- a. The name, department, and position of the Respondent;
- b. A description of the incident(s) and/or act(s) that Complainant is alleging to be discriminatory, including the date(s), location(s), and the presence and identity of any witnesses; and
- c. Any other information Complainant believes is relevant to the complaint.

Complaints of religious discrimination will be kept confidential to the greatest extent possible.

A covered individual may also file a complaint with the Equal Employment Opportunity Commission or the Michigan Civil Rights Commission.

Upon receipt of the complaint, the Department of Human Resources or the Office of the City Attorney will initiate an investigation. Upon completion of the investigation, the Department of Human Resources will meet and review the findings with the Complainant's Department Director, and may provide a summary to the Mayor and the City Attorney. If the complaint lodged pertains to a Department of Human Resources employee, the Office of the City Attorney will conduct the investigation. All investigations of complaints alleging religious discrimination will be completed within forty-five (45) days, however additional time may be necessary in extenuating circumstances. In the event of extenuating circumstance, the investigating body will document in writing the circumstance.

The Human Resources Department or the Office of the City Attorney will notify the Complainant and the Respondent in writing of the investigator's written determination as to whether the Respondent discriminated against the Complainant. If an investigation results in disciplinary or corrective action, the specifics of the action taken will remain confidential and will not be disclosed to the Complainant. A copy of these written communications will be placed in the investigative file.

Questions regarding investigative procedures may be directed to the Human Resources Department for guidance. In cases where the complaint involves a staff member of the Department of Human Resources, guidance about these investigative procedures should be directed to the City Attorney.

REPORTING OBLIGATION

Supervisors, including Department Directors, who witness or learn of conduct that they believe may violate this Policy must take prompt action to report and address the issue. Compliance with this Policy, the City's Anti-Retaliation Policy, and the Sexual Harassment and Non-Discrimination Policy will be considered in performance evaluations for supervisors, including Department Directors, where permitted by law and consistent with collective bargaining agreements. Failure to report as required by this Policy will result in corrective or disciplinary action as explained below.

CORRECTIVE / DISCIPLINARY ACTION

Violation of this Policy, including failing to comply with the reporting requirements set forth in this

Policy, is an act of serious misconduct. Violating this Policy or encouraging another individual to violate this Policy is strictly prohibited and will result in immediate and appropriate corrective or disciplinary action. Corrective or disciplinary action will be taken in accordance with the applicable collective bargaining agreements and personnel rules or by the Mayor as it relates to Department Directors.