

 <p>DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS</p> <p>POLICY AND PROCEDURE</p>	EFFECTIVE DATE:	May 12, 2022	Page 1 of 6
	SUPERSEDES:	3800.5 January 17, 2017	
	OPI:	EEO/Diversity Unit	
	REVIEW DATE:	May 12, 2023	
	Approving Authority	Thomas Faust Director	
	SUBJECT:	Religious Employment Discrimination and Accommodation Policy	
NUMBER:	3800.5A		
Attachments:	Attachment A-Employee Religious Accommodation Request Form Attachment B-EEO Complaint Form		

SUMMARY OF CHANGES:

Section	Change
	<i>Minor changes throughout the policy.</i>

APPROVED:

Signature on File



Thomas Faust, Director

5/12/2022
Date

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1. **PURPOSE AND SCOPE.** To set forth the Department of Corrections' policy and procedure for employees, contractors and applicants when requesting a religious accommodation.

2. **POLICY.** DOC has a zero tolerance for and a policy which prohibits acts of discrimination, and retaliation on the basis of religion. DOC is committed to promoting diversity and equal opportunity in all aspects of agency employment. DOC respects the religious beliefs and practices of all employees, applicants, volunteers and contractors and the DOC will allow for reasonable accommodations so that they can practice their religion.

3. **APPLICABILITY.** All DOC employees, applicants, contractors and volunteers.

4. **NOTICE OF NON-DISCRIMINATION**

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

5. **PROGRAM OBJECTIVES.** The expected outcomes of this program are to:
 - a. Advise DOC employees of the Department's zero tolerance policy for acts of discrimination

 - b. Advise DOC employees of the process for requesting a religious accommodation.

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6. DIRECTIVES AFFECTED

a. Directives Rescinded

PP 3800.5 Religious Discrimination and Accommodations Policy
(1/17/17)

b. Directives Referenced

PP 3800.1 Equal Employment Opportunity Program

7. AUTHORITY

- a. Title VII of the Civil Rights Act of 1964 (Title VII), as amended.
- b. D.C. Human Rights Act of 1977, as amended.
- c. 4 DC Municipal Regulations (DCMR) 100 *et seq.*
- d. Mayor's Order 2000-131, August 21, 2000, "Uniform Language in D.C. Government Anti-Discrimination Issuances and Equal Employment Opportunity Notices.
- e. Mayor's Order 75-230, October 31, 1975, as amended by Mayor's Order 79-89, May 27, 1972.
- f. Mayor's Order 79-204, September 14, 1979.

8. STANDARDS REFERENCED. None

9. DEFINITIONS

- a. **Religious Accommodation-** upon request, a change in the workplace or the way things are customarily done that will allow an applicant, employee or contractor to practice their religion unless it would be an undue hardship on the agency's operation of its business.
- b. **Religion-** sincerely held religious or moral beliefs, practices and observances that can be theistic or non-theistic (morals and ethical beliefs). Religion includes

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not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that are new, uncommon, not part of a formal church or sect, or only subscribed to by a small number of people or one person.

10. **GENERAL REQUIREMENTS.** In conjunction with the Department’s respect for the religious beliefs and practices of all employees, the Department may allow, upon request, an accommodation for religious observances when a reasonable accommodation is available that does not impose an undue hardship on the DOC’s business.
- a. It is the responsibility of the employee, applicant, contractor or volunteer to inform the Department of their request for an accommodation. Notification shall be made ten (10) days prior to the need for accommodation.
 - b. All verbal and written requests for religious accommodations shall immediately be forwarded to the EEO and Diversity Manager.
 - c. An employee, contractor, or applicant whose moral, religious beliefs or practices conflict with his/her job, work schedule, or with the DOC’s policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation, must submit a Religious Accommodation Request Form (Attachment A) to the EEO and Diversity Manager.
 - d. The written request will identify the type of religious conflict that exists and the employee’s requested accommodation.
 - e. *The EEO & Diversity Manager* will upon receipt of the Religious Accommodation Request form:
 - 1) Evaluate the request and inform the appropriate manager that a request has been made
 - 2) Consider whether a work conflict exists either due to a sincerely held religious belief or practice, or security, or the collective bargaining agreement

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- 3) Determine if a reasonable accommodation is available, including an alternative accommodation, provided it will not impose an undue hardship on the agency's operation of its business.
- 4) In some cases, meet with the requesting employee and require further documentation and/or dialogue of the religious belief or practice to evaluate the request.
- 5) Make a determination as quickly as possible and advise the appropriate Manager and employee of the decision in writing within (5) business days of receipt of the request.

11. **Types of Accommodations, include but are not limited to:**

- a. Tour of duty changes (i.e. swapping) or leave,
- b. Change in job functions,
- c. Additional breaks for religious observances,
- d. Exceptions to the agency's uniform and grooming rules and expectations, unless it would pose an undue hardship on the agency's operation of its business, which includes but is not limited to, impairing workplace safety, and/or
- e. Modifications to other aspects of employment that is reasonable and would not impose an undue hardship.

12. **Discrimination and/or Denial of Accommodation**

- a. Applicants/Employees/Contractors/Volunteers who believe that they have been subjected to discrimination on the basis of their religion or haven been denied a request for religious accommodation must follow the EEO process as outlined in PP 3800.1, Equal Employment Opportunity Program.
- b. Applicants/Employees/Contractors/Volunteers may seek EEO counseling within the department through a certified EEO Counselor or with an EEO Counselor of an external agency which is required prior to filing a complaint with the D.C. Office of Human Rights. Individuals may also file directly with the U.S. Equal Employment Opportunity Commission.

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13. **General Prohibition against Retaliation and Harassment**

- a. This policy prohibits retaliation by staff because an individual has engaged in protected activity, such as:
 - 1) Requesting a religious accommodation,
 - 2) Opposing discrimination,
 - 3) Filing an informal or formal complaint of discrimination, and;
 - 4) Testifying, assisting, or participating in any manner in an investigation proceeding or hearing.

- b. Each DOC employee, applicant, contractor or volunteer is prohibited from subjecting individuals to religious harassment. Harassment may include, but is not limited to:
 - 1) Offensive remarks and unwelcome statements about a person’s religious beliefs or practices;
 - 2) Verbal or physical misconduct that is triggered by an individual’s religious beliefs or practices.

14. **Penalties**

- a. The Director or his/her designee, upon recommendation from the Unit, will be responsible for ensuring that disciplinary action is taken against persons found in violation of the agency’s Religious Accommodations Policy.

Attachments

Attachment A – Religious Accommodation Request Form
Attachment B – EEO Complaint Form

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS



RELIGIOUS ACCOMMODATION REQUEST FORM

In accordance with federal and D.C. laws, the Department prohibits discrimination on the basis of religion. The Department shall provide reasonable accommodations for sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the Department.

This form is to be filled out by the person requesting a reasonable religious accommodation and submitted to the EEO & Diversity Manager. **This information will be maintained confidentially to the extent practicable under the circumstances.**

Name: _____ Title: _____

Assignment: _____ Phone: _____

1. Please identify the religious belief or practice you have for which you are requesting an accommodation.

2. What workplace accommodation do you request?

3. How often do you need the accommodation?

4. If you have requested this religious accommodation before, please state approximately when the request was made, the name of the individual who responded to the request, and the outcome of the request.

**IF NECESSARY, PLEASE USE ADDITIONAL SHEETS FOR ANY OF THE
INFORMATION REQUESTED ABOVE**

Please Note: *In some cases, the Department will need to obtain documentation or other authority regarding your religious belief or practice. The Department 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: _____

Summary of Next Steps

This request will be reviewed by the EEO & Diversity Manager.

The EEO & Diversity Manager will discuss your request with the appropriate Major.

You will be notified, in writing, of the outcome of the determination and/or proposed accommodation.



**THE GOVERNMENT OF THE DISTRICT OF COLUMBIA
EEO COMPLAINT FORM
D.C. Department of Corrections**

Information required herein will assist EEO Officer to determine the nature and extent of discrimination as defined by the Federal/Local Discrimination Laws.

1. COMPLAINANT

Today's Date: _____
Name: _____
Position Title: _____
Address: _____
City/State/Zip: _____
Tel # (H): _____
Tel # (W): _____
Tour of Duty: _____
Immediate Supervisor: _____

IF REPRESENTED BY COUNSEL/UNION REPRESENTATIVE, PLEASE PROVIDE THE FOLLOWING:

Name: _____
Telephone/Fax: _____
Address: _____

2. RESPONDENT(S)

Name(s): _____
Position Title: _____
Tour of Duty: _____
Address: _____
City/State/Zip: _____
Tel #: _____
Fax #: _____

3. BASIS OF COMPLAINT

The basis is the reason you feel you were treated differently than others outside of your protected class. I feel I was discriminated against because of my:

(Please check appropriate box and provide detail, if necessary.)

- | | |
|--|--|
| <input type="checkbox"/> Race _____ | <input type="checkbox"/> Sex _____ |
| <input type="checkbox"/> National Origin _____ | <input type="checkbox"/> Religion _____ |
| <input type="checkbox"/> Color _____ | <input type="checkbox"/> Age _____ |
| <input type="checkbox"/> Disability _____ | <input type="checkbox"/> Gender Identity or Expression _____ |
| <input type="checkbox"/> Genetic Information _____ | |
| <input type="checkbox"/> Matriculation _____ | <input type="checkbox"/> Marital Status _____ |
| <input type="checkbox"/> Political Affiliation _____ | <input type="checkbox"/> Family Responsibilities _____ |
| | <input type="checkbox"/> Personal Appearance _____ |
| | <input type="checkbox"/> Sexual Orientation _____ |

4. ISSUES

The issue is the action(s) taken that made you feel that you were treated differently than others outside of your protected class.

(Please check appropriate box and provide detail, if necessary.)

- | | |
|--|--|
| <input type="checkbox"/> Failure to hire _____ | <input type="checkbox"/> Retaliation _____ |
| <input type="checkbox"/> Promotion _____ | <input type="checkbox"/> Discipline _____ |
| <input type="checkbox"/> Transfer _____ | <input type="checkbox"/> Denial of Leave _____ |
| <input type="checkbox"/> Sexual Harassment _____ | |
| <input type="checkbox"/> Discharge _____ | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Demotion _____ | |
| <input type="checkbox"/> Hostile Work Environment _____ | |
| <input type="checkbox"/> Failure to Accommodation (Religion/Disability only) _____ | |

5. D.C. FAMILY AND MEDICAL LEAVE ACT

(Only complete section if your complaint deals with FMLA.)

Have you been employed with this agency for at least one (1) year and have worked at least one thousand (1,000) hours? YES NO

Date(s) you requested: _____

Reason you requested: _____

Person who denied your request: _____

Title: _____

Others who have requested leave: _____

How are these persons different from you: _____

Have you tried to resolve this matter with Respondent? If so, please describe with whom you spoke and their response:

Name/Title: _____

7. POTENTIAL REMEDIES FOR RESOLUTION

For each allegation raised, please identify potential remedies.

Employee's Signature

DATE

Notice of Non-Discrimination

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the bases of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familiar status, family responsibilities ,matriculation, political affiliation, disability, source of income, or place of residence o business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above-protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.