



## Administrative Regulations Office of the Mayor

**Title:** RELIGIOUS ACTIVITIES IN THE WORKPLACE

**A.R. Number:** 5.11 **Effective Date:** 2/1/2007 **Page:** 1 of 2

**Supersedes:** Religious Activities in the Workplace **A.R.:** 5.16 **DATED:** 9/1/2004

### I. POLICY

The City of Richmond, as a public sector employer, is committed to a policy of nondiscrimination of various religious faiths, activities, and practices for its employees. The City has no desire to mandate or interfere with one's religious beliefs or non-beliefs and freedom to practice such beliefs. The City is not required, nor will it allow its employees time in the workplace or on the workplace premises to impose their beliefs (or non-beliefs) on others. The purpose of this Regulation is to lay out standards of operation which strike a balance in both the employee and the employer's needs.

### II. PROCEDURE

- A. Religious Practice – Religious practices include traditional religious beliefs, moral and ethical beliefs, and beliefs that individuals hold “with strength of religious view”. They can include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. The fact that no particular religious group espouses such beliefs or the fact that the religious group to which the individual employee professes to belong may not accept such beliefs, does not determine whether the belief is a religious belief of the employee or not. The issue is whether the religious belief is sincerely held by the individual.

Examples of common religious practices:

- Observance of a Sabbath or religious holiday;
  - Prayer or meditation;
  - Following strict or particular dietary requirements; and
  - Practices relating to dress and/or personal grooming.
- B. Religious Holidays – It is important that management, supervisors and fellow employees be sensitive to each others religious obligations regarding holiday observances. The City of Richmond observes a standard set of holidays and these holidays will not accommodate many religious beliefs and practices. As an employer, the City is committed to making reasonable accommodations so employees of various faiths and beliefs may observe holiday obligations. Whenever a reasonable accommodation can be made, employees should not be penalized for missing work for such an observance. The City grants employees a personal holiday and vacation leave which they may use for religious observances. The employee must submit the appropriate leave form and receive approval prior to taking the leave.
- C. Reasonable Accommodation – The City, as an employer, is required to reasonably accommodate religious practices unless the accommodation would cause an “undue hardship” on its business operations. Reasonable accommodations for religious purposes may include such things as flexible work schedules, floating holidays, use of lunch time for late arrival or early departure, staggered work hours, and permitting an employee to make up lost time due to a bon a fide observance of a religious practice. Additional alternatives may include; substituting between workers, exchanging employee hours, transferring employees, changing job assignments, allowing employees to use leave/break/lunch time for religious prayer, etc.
- D. Dress Accommodations for Religious Practices – Sometimes an employee's religious beliefs or practices may require that the employee dress in a manner that is not consistent with City Dress Code standards or which do not convey the look that the City wishes for its workforce to display to the public. For example, an employee may wish to wear a head covering based on a religious practice or belief. Unless the City, as an employer, has a justified business necessity as to why the employee cannot be accommodated, the employee must be accommodated. When in doubt, consult Human Resources.



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- E. Accommodating Sabbath Observances – The ‘reasonable hardship’ clause, along with common sense applies to allowing employees the day or time off to observe their day of Sabbath if it falls inside the employees regularly scheduled work hours. Whenever a reasonable accommodation (flex time, voluntary swaps and substitutes and transfer of job assignments may constitute reasonable accommodations) can be made without undue hardship, the City will attempt to accommodate individual employee requests.
- F. Exemption from Social Security Benefits Due to Religious Belief - Employees who wish to be exempt from Social Security and Medicare Taxes because it violates their religious beliefs must complete the U.S. Internal Revenue Service (IRS) Form 4029; *Application for Exemption from Social Security and Medicare Taxes and Waiver of Benefits*. Exemptions from Social Security and Medicare taxes are available and apply to ministers, certain other religious workers, and members of certain recognized religious sects. Any employee that does not have an approved Form 4029 will have social security and Medicare taxes withheld and the City will pay its share. Such provisions shall not apply if there is a conflict with any other provision of federal law (i.e. – I-9 processing, etc).

**III. AUTHORITY**

Civil Rights Act of 1964

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources and the City Attorney’s Office shall be responsible for modifications to this Regulation.

**APPROVED:**

**MAYOR**