

RELIGIOUS MODIFICATIONS POLICY

Implementing Section 188 of the Workforce Innovation and Opportunity Act of 2014

Purpose

To inform recipients (as defined at 29 C.F.R. § 38.4(zz)) of the DC Workforce Investment Council's (DC WIC) policies for providing religious modifications to programs and activities governed by Section 188 of the Workforce Innovation and Opportunity Act (WIOA), and to outline the procedures to achieve voluntary compliance via corrective action/remedy.

Background

29 C.F.R. § 38.4(rrr) provides that recipients provide reasonable modifications based on a customer's religious belief or practices unless it causes "undue hardship." Undue hardship is defined as:

. . . anything more than a *de minimus* cost or operational burden that a particular accommodation would impose upon a recipient.

Policy

WIOA Section 188 provides that no person shall, based on religion, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. It is the DC Workforce Investment Council's (DC WIC) policy to serve members of our public regardless of their religious beliefs and practices or are agnostic or atheist.

Religious-based modification requests in the delivery of services, aid, training, or benefits governed by WIOA Section 188 most often involve issues such as (1) limited room for, or a conflict with the time for, prayers or other religious observances, (2) restrictions on facial hair or other grooming that conflict with a particular religious belief or practice, or (3) dress requirements that conflict with religious requirements (*e.g.*, wearing turbans, skirts).

It is the DC WIC policy to make every effort to provide reasonable modification at the request of a customer and based on the customer's stated religious belief or practice to the extent that the modification:

- does not violate a federal or District of Columbia civil rights or human rights law;
- does not create a safety hazard to self or others; or
- does not present "undue hardship."

District of Columbia

Last Revised: July 2021

Equal Opportunity Employer/Program.

Auxiliary aids and services are available upon request to individuals with disabilities.

Assessing a request for religious accommodation requires an interactive dialogue and is a fact-specific process. Each request must be considered on its own merits. The following procedures shall be followed if a member of the public requests a religious modification to access or participation in WIOA Title I programs and activities.

Procedures

1. Written request from customer. A customer must request religious modification in writing. Any written format is acceptable, or the customer may use the District's religious modification form. *See* Appendix A, WIOA Modification Form (Religion). On request, staff shall assist the customer in completing the form. The words "reasonable accommodation" or "reasonable modification" need not be used; rather, the customer merely needs to indicate that an adjustment is needed due to his or her religious beliefs or practices. The written request shall be forwarded to the appropriate EO Officer within 24 hours.

2. Interactive discussion. The EO Officer shall engage in an interactive discussion with the customer to explore potential modifications that will allow access to, and an opportunity to participate in, the program or activity at issue. In determining the appropriate modification, the following factors will be considered:

- the nature of the religious belief or practice at issue (the Equal Employment Opportunity Commission defines "religion" to include moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views; religious discrimination also includes discrimination against someone because s/he is an atheist)
- how the religious belief or practice impedes the customer's access to, or participation in, the program or activity at issue
- how the requested modification would allow access to, and/or the opportunity to participate in, the program or activity
- whether the customer meets the essential eligibility requirements for the service, aid, training, or benefit at issue
- whether the customer's religious belief or practice is *bona fide* (i.e., s/he engages in the religious belief or practice)
- whether the modification is necessary to enable the customer access to, or an opportunity to participate in, the program or activity
- whether the modification is reasonably designed to help the customer have access to, or an opportunity to participate in, the program or activity
- whether the modification would impose an "undue hardship"
- whether the modification creates a safety hazard to self or others

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- whether the modification would create a violation of a Federal or District of Columbia civil rights or human rights law (*e.g.*, a request for segregated training for men and women, if provided, would constitute gender-based discrimination in violation of WIOA Section 188 and would not, therefore, be an acceptable modification)
- whether any alternative modification would help the customer have access to, or an opportunity to participate in, the program or activity.

3. Issuing a Final Determination. Within ten (10) business days of the EO Officer's receipt of a modification request, and after considering all relevant information and the foregoing factors, the EO Officer shall issue a written determination that (1) grants the requested modification, (2) denies the requested modification and offers an alternative modification, or (3) denies the requested modification and offers no alternative. Where a modification is granted, or an alternative is offered and accepted, the EO Officer shall also provide a written timeframe for implementation of the modification. *See* Appendix B, Final Determination on Religious Modification Request.