

Maryland Judicial Branch

2.8 POLICY ON RELIGIOUS ACCOMMODATION

(a) Purpose and Scope

(1) Purpose

- (A) The Judicial Branch recognizes and honors the value and dignity of each employee and respects the sincerely held religious beliefs, observances, and practices of those employees.
- (B) This policy sets forth the process for requesting an accommodation of a religious belief, observance, or practice and assigns responsibilities for resolving such requests.
- (C) The Judicial Branch will make a good faith effort to provide reasonable accommodations to employees and applicants whose sincerely held religious beliefs, observances, or practices conflict with Judicial Branch policies, procedures, or other work requirements, unless such accommodations would create undue hardship.
- (D) Retaliation against an applicant or employee because he or she has requested a religious accommodation or participated in the processing of a religious accommodation request or complaint is prohibited.

(2) Scope

- (A) This policy applies to:
 - (i) applicants for employment; and
 - (ii) all persons employed by a court, unit, or judicial entity organized within the Judicial Branch
 - (I) including regular, temporary, and contractual employees;
 - (II) regardless of the source of the employee's compensation (*e.g.*, county, state, federal, grant).
- (B) This policy does not apply to:
 - (i) the employees of the Register of Wills or the Orphans' Court; and
 - (ii) judges, except to the extent that certain judges serve as the administrative head of a judicial entity and, therefore, perform administrative duties consistent with this policy.

(b) Definitions

(1) Administrative Head

- (A) For the Appellate Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the Chief Judge of the Appellate Court where the employee works for all other Appellate Court employees;
- (B) The Clerk of the Circuit Court for all employees under the Clerk's supervision;
- (C) The County Administrative Judge for all employees under the supervision of the Administrative Judge;

- (D) For the District Court, the Chief Judge of the District Court, the Chief Clerk, the Administrative Clerk, or Administrative Commissioner for all employees under his or her supervision;
- (E) For the Administrative Office of the Courts, the State Court Administrator;
- (F) For units organized within the Judicial Branch, the head of the unit where the employee works; and,
- (G) Any person who, by express written designation, serves as the authorized designee of an administrative head.

- (2) **Equal Employment Opportunity (EEO) Coordinator** – An employee of a Circuit Court, subject to the supervision of the County Administrative Judge, designated to receive and, upon request, investigate complaints of discrimination, harassment, and retaliation and to provide support and technical assistance in addressing religious accommodation requests for employees of the Circuit Courts under the supervision of the County Administrative Judge. For all other employees, the FPO shall serve as the EEO coordinator.
- (3) **Fair Practices Department (FPD)** – The administrative office organized within the Administrative Office of the Courts (AOC) that is charged with ensuring compliance with equal opportunity, non-discrimination, and other civil rights laws.
- (4) **Fair Practices Officer (FPO)** – An employee in the Fair Practice Department of the Administrative Office of the Courts responsible for ensuring compliance with federal and state equal opportunity laws, and overseeing the investigation of complaints of discrimination, harassment, and retaliation brought under this policy and under state and federal law. For all employees, other than employees of a Circuit Court subject to the supervision of a County Administrative Judge, the FPO is designated to receive and investigate complaints of discrimination, harassment, and retaliation.
- (5) **Judicial Entity** – The Court of Appeals; the Court of Special Appeals; a Circuit Court or any department thereof; the District Court or any department thereof; the Administrative Office of the Courts or any department thereof; a unit of the Judiciary.
- (6) **Judiciary Representative** – For an employee, the Judiciary representative is the employee’s supervisor or EEO coordinator. For an applicant, the Judiciary representative is the individual identified in the job announcement or, if not stated, the Director of the Judiciary’s Human Resources Department, or the EEO coordinator.
- (7) **Judiciary Human Resources Department (JHRD)** – The department within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human resources policy development, administration, and interpretation; recruitment; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.
- (8) **Religion** – “Religion” includes all aspects of religious belief, observance, and practice. “Religion” includes all widely practiced religions, as well as other systems of belief or worship.

- (9) Religious Belief** – “Religious Belief” includes, but is not limited to, a sincerely held belief in a deity or deities, as well as non-theistic moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.
- (10) Religious Observance or Practice** – “Religious observance or practice” includes, but is not limited to, attending worship services, praying, wearing religious attire or symbols, displaying religious objects, adhering to certain dietary rules, other forms of religious expression, or refraining from certain activities.
- (11) Religious Accommodation** – Any change in the application process or work environment, or in the way work or responsibilities are customarily done, that enables an employee or applicant to participate in his or her religious belief, observance, or practice. An accommodation may include an exception to dress code policies.
- (12) Undue Hardship** – An “undue hardship” occurs when granting a request would result in more than a minimal cost or burden on operations. Factors to consider in determining whether an accommodation would impose an undue hardship include, but are not limited to: the nature and cost of the requested accommodation; the impact on resources and business operations; any impact on workplace safety; and the number of employees requiring similar accommodation at the same time.
- (13) Unit** –The Attorney Grievance Commission, the Client Protection Fund, the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.

(c) Management Responsibilities

- (1)** Each administrative head shall ensure that each supervisor, manager, and director who reports to the administrative head is familiar with the Judicial Branch policy providing for the reasonable accommodation of religious beliefs and practices in the workplace, specifically that the Judicial Branch provides reasonable accommodations:
- (A) to employees and applicants whose sincerely held religious belief, observance, or practice conflicts with a Judicial Branch policy, procedure, or other work or application/hiring requirement, unless such an accommodation would create an undue hardship; and
 - (B) A substantiated complaint of discrimination or retaliation based on religion shall result in remedial or disciplinary action, or both, up to and including termination of employment.
- (2)** Each County Administrative Judge shall designate a person to serve as the EEO coordinator for the employees under the Administrative Judge’s supervision and communicate that designation in writing to those employees and to the Judicial Branch FPO.

(d) Request for Religious Accommodation

(1) Employee

- (A) An employee whose religious beliefs or practices conflict with his or her job, work schedule, or with the employer’s policy or practice on dress and appearance, or with other aspects of

employment, may request a religious accommodation by submitting a written request for accommodation to the employee's immediate supervisor or the designated EEO coordinator, or by notifying the employee's immediate supervisor or the designated EEO coordinator of the need for accommodation.

- (B) Employees are encouraged to use the Request for Religious Accommodation form available on the Judicial Branch website at <http://www.mdcourts.gov/fairpractices/religious/religiousaccommodationpolicyrequest.pdf>.
- (C) The written request must identify or describe the conflict between a work requirement and the employee's religious belief, observance, or practice, and the employee's proposed accommodation.
- (D) The supervisor or EEO coordinator shall direct the employee to complete a request form, assist the employee in completing the form, or memorialize that an oral request was made if the employee did not complete the form.
- (E) A request for a religious accommodation must be made within a reasonable amount of time prior to the time that the accommodation is needed in order to minimize impact to Judiciary operations.

(2) Applicant

- (A) An applicant whose religious beliefs, observances, or practices conflict with some aspect of the application or hiring process or with the employer's policy or practice on dress and appearance may seek a religious accommodation by submitting a written request for accommodation to a Judiciary representative.
- (B) The written request must identify or describe the conflict between the application/hiring process or requirement and the applicant's religious belief, observance, or practice and the applicant's proposed accommodation.
- (C) Applicants are encouraged to use the Request for Religious Accommodation Form available on the Judicial Branch website at <http://www.mdcourts.gov/fairpractices/religious/religiousaccommodationpolicyrequest.pdf>.
- (D) A request for a religious accommodation must be made within a reasonable amount of time prior to the date that the accommodation is needed in order to minimize impact to Judiciary operations.

- (3)** Under this policy, the Judicial Branch FPD provides technical assistance and guidance to the Circuit Court EEO coordinator, Circuit Court supervisor, and administrative head (County Administrative Judge) upon request. The requirement that a religious accommodation request and disposition be submitted to the FPD and that the Judiciary representative consult with the FPD does not apply to requests for religious accommodations made by employees of or applicants to the Circuit Court under the supervision of the County Administrative Judge.

(4) Judiciary Representative: Upon receipt of an employee's or an applicant's request for religious accommodation, the Judiciary representative shall promptly:

- (A) Notify the administrative head or designee and EEO coordinator of the request; and
- (B) Contact the Fair Practices Department for guidance.

(5) Fair Practices Department

- (A) The Fair Practices Department is responsible for compliance with and oversight of this policy.
- (B) The Fair Practices Department will provide technical assistance, guidance, and recommendations for resolving a religious accommodation request to a Judiciary representative.

(6) Decision on Accommodation Request

- (A) After receiving guidance and recommendations from the Fair Practices Department, and engaging in an interactive process where needed, the Judiciary representative, in consultation with the administrative head, will notify the employee or applicant of the decision to grant or deny the request for accommodation.
- (B) The decision must be documented on the Request for Religious Accommodation Form and a copy provided to the Fair Practices Department.

(e) Complaints

- (1)** An employee or applicant who believes that he or she has been discriminated against based on religion, including the denial of a religious accommodation request, or retaliated against for exercising a right under a civil rights statute may file a complaint under the Judicial Branch Policy Prohibiting Discrimination, Harassment, and Retaliation, Sections (e)(4) and (5).
- (2)** An applicant or employee of a Circuit Court (under the supervision of the County Administrative Judge) may file a complaint with the supervisor, manager, EEO coordinator, or administrative head (County Administrative Judge).
- (3)** An applicant or employee of the Clerks' Offices, courts, units, and judicial entities other than the Circuit Courts may file a complaint with:

(A) The supervisor, manager, or administrative head; or

(B) The FPO

Fair Practices Officer
Fair Practices Department
Internal Affairs Division
580 Taylor Avenue, A-2
Annapolis, Maryland, 21401

Complaint forms may be submitted to the FPO by email to fairpractices@mdcourts.gov.

(C) Employees and applicants are encouraged to use the complaint form available on the Fair Practices Department webpage at <http://mdcourts.gov/fairpractices/forms/fpd305eeocomplaintform.pdf>.

(4) External Complaints. An employee may also file a charge with the Maryland Commission on Civil Rights or the U.S. Equal Employment Opportunity Commission. Notice of this option does not constitute legal advice nor does it represent all legal remedies or options available to an employee.

(f) Confidentiality: All individuals involved in the processing of a religious accommodation request, including but not limited to the Judiciary representative(s), administrative head, and the staff of the Fair Practices Department, shall disclose information related to a religious accommodation request only as necessary to resolve the request, or in the best interests of the Judicial Branch.

(g) Interpretive Authority: The Fair Practices Department, in consultation with other Judicial Branch offices, as appropriate, is responsible for the interpretation of this policy.

(h) Not a Contract: This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.