

DATE ISSUED: July 1, 2015

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FROM: Linda Franks
LWIA 24 Equal Opportunity Officer

RE: **EQUAL OPPORTUNITY DIRECTIVE 2015-EO-4, Procedures for
Handling Religious-Based Accommodation Requests**

Section 188 of the Workforce Innovation Opportunity Act (WIOA) of 2014, at
29 U.S.C. § 2938 provides that no person shall, on the basis of religion, be

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request to individuals with disabilities"

excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. We are part of the system of delivering WIOA Title I-financially assisted programs and activities. As a result, we are obliged to comply with the religious-based nondiscrimination mandates of this statute. Specifically, we must ensure that we serve members of our public regardless of their religious beliefs and practices, or lack thereof. To that end, this set of procedures has been developed and published to assist you in properly receiving and handling religious-based accommodation requests.

Based on the foregoing, EQUAL OPPORTUNITY DIRECTIVE 2015-EO-4 is being issued, and is **effective immediately**.

✓ **An overview**

Religious-based accommodation requests most often center on issues such as (1) limited room for, or a conflict with the time for, prayers or other religious observances, (2) restrictions on facial hair that conflict with a particular religious belief or practice, or (3) clothing requirements that conflict with particular religious requirements (such as wearing turbans or other head gear).

It is our policy to make every effort to provide reasonable accommodation to the extent that a requested accommodation:

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

Assessing a request for accommodation is a highly-individualized and fact-specific process. There are no bright-line rules defining what constitutes a

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reasonable accommodation. Each request must be considered on its own merits. The following procedures shall be followed in the event that a member of the public seeking access to, or participation in, our programs and activities wants to request accommodation or modification on the basis of his or her religion.

✓ **The process**

1. The customer should make the request orally or in writing personally, or through a representative (family member, friend, or the like) to me. If the request is made to any member of the staff at your location, the staff member shall promptly notify me of the request. The words "reasonable accommodation" or "reasonable modification" need not be used; rather, the customer or his or her representative merely needs to indicate that an adjustment is needed due to his or her religious beliefs or practices.
2. Staff shall assist the customer, or the customer's representative, in completing a Form EO-3, Religious-Based Accommodation Request Form for Federally-Assisted Programs and Activities (Appendix A), which shall be promptly forwarded to me at the following:

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200
Belleville, IL 62220
Telephone: (618) 825.3266
TTY (English): (800) 526-0844
TTY (Spanish): (800) 501-0864
Voice/ITRC: (800) 501-0865
lfranks@co.st-clair.il.us

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3. At that point, I will engage in an interactive discussion with the customer, or the customer's representative, to explore potential accommodations or modifications that will allow effective access to, and participation in, the program or activity at issue. In determining the appropriate accommodation or modification, I will consider and weigh the following factors:

- the nature of the religious belief or practice at issue
- how the religious belief or practice impairs the customer's access to or participation in, the program or activity at issue
- how the requested accommodation/modification would allow him or her access to, and/or 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 actually engages in the religious belief or practice)
- whether an accommodation/modification is necessary to enable the customer access to, or participation in, the program or activity

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- whether the requested accommodation/modification is reasonably designed to help the customer have access to, or participate in, the program or activity
- whether an accommodation/modification would impose an “undue hardship” on the LWIA’s operations
- whether an accommodation/modification creates a safety hazard to self or others
- whether the accommodation/modification would create a violation of a federal or state civil rights law (*i.e.* a request for segregated computer skills courses for men and women, if provided, would constitute gender-based discrimination in violation of federal civil rights laws and would not, therefore, be an acceptable accommodation)
- whether any alternative accommodations/modifications would help the customer have access to, or participate in, the program or activity.

GRANTING THE REQUESTED ACCOMMODATION/MODIFICATION

Within fifteen (15) business days of my receipt of the [accommodation][modification] request, if, after considering all relevant information and going through the interactive process, I determine that the [accommodation][modification] request should be granted, I will: (1) inform the customer or customer’s representative in writing that the request is granted; (2) provide an estimated time frame for the implementation process; (3) ensure timely implementation of the [accommodation][modification]; and (4) keep a written record of the decision. See Appendix B (“Determination Template for Religious-Based Accommodation/Modification Request”).

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OFFERING AN ALTERNATIVE ACCOMMODATION/MODIFICATION

Within fifteen (15) business days of my receipt of an [accommodation][modification] request, if, after considering all relevant information and going through the interactive process, I determine that an [accommodation][modification], other than the one requested by the customer or customer's representative, will be offered, I will speak with the customer or customer's representative to determine whether the customer will accept the alternative [accommodation][modification].

If the customer accepts the alternative [accommodation][modification], then within fifteen (15) business days of the date on which I am notified of the customer's acceptance, I will: (1) issue a written decision stating the alternative [accommodation][modification] has been offered to, and accepted by, the customer; (2) provide an estimated timeframe for the implementation process; (3) ensure timely implementation of the alternative [accommodation][modification]; and (4) keep a written record of the decision. See Appendix B ("Determination Template for Religious-Based Accommodation/Modification Request").

DENYING ACCOMMODATION/MODIFICATION

Within fifteen (15) business days of my receipt of the [accommodation][modification] request, if, after considering all relevant information and going through the interactive process, I determine that the [accommodation][modification] request should be denied and no alternative [accommodation][modification] is available, I will: (1) inform the customer or customer's representative in writing that the request is denied, (2) provide notice to the customer of his or her right to file a discrimination complaint with the Civil Rights Center, and (3) keep a written record of the decision. See Appendix B ("Determination Template for Religious-Based Accommodation/Modification Request").

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or

Within fifteen (15) business days of the date on which I am notified of the customer's rejection of my offer of an alternative [accommodation][modification], then I will issue a determination denying the accommodation request. See Appendix B ("Determination Template for Religious-Based Accommodation/Modification Request"). In this determination, I will: (1) inform the customer of the reasons for the denial; (2) provide notice to the customer of his or her right to file a discrimination complaint with the Civil Rights Center; and (3) keep a written record of the decision. See Appendix B ("Determination Template for Religious-Based Accommodation/Modification Request").

✓ **Questions?**

If you have any questions, you may contact me at the following:

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LWIA 24 Equal Opportunity Officer
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