

Employers Must Provide Reasonable Accommodation for Religious Practices

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Considering the upcoming religious celebrations of Passover, Holy Week, Easter Sunday and Ramadan, employers must be aware that employees are entitled to request a reasonable accommodation to pursue their religious beliefs or practices under both federal and local laws. Employers are required to reasonably accommodate such practices, unless the accommodation chosen by the employee or an employment candidate would constitute undue hardship or excessive difficulty to their business operations.

Human Resources staff and supervisors in general should take the following practical pointers into consideration, upon an employee's (or employment candidate's) request for reasonable accommodation for his or her religious practices:

- Understand the employer's legal duty to provide a reasonable accommodation for an employee's religious practices.
- Understand what is the reasonable accommodation sought.
- Do not question the employee's sincerely held belief in his or her religion or religious practices.
- Abstain from making any negative comments or expressing an opinion regarding the request for reasonable accommodation or the employee's religious practices or beliefs.
- Note that under federal law (Title VII of the Civil Rights Act of 1964), as opposed to local law (P.R. Act 4-2017), the request for religious accommodation does not have to be made in writing. Therefore, do not dismiss a request for reasonable accommodation for religious practices simply because it has not been made in writing.
- Limit the conversation to understanding the accommodation sought and the dates and recurrence for which it is sought.
- Do not adopt blanket rules or policies regarding the approval or denial of requests for reasonable accommodation of religious practices. Each request should be analyzed on a case by case basis.

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- Do not provide a response immediately, but do respond promptly considering if and how the accommodation affects business operations. McV's Labor & Employment Law Practice Group attorneys are available to provide you with legal advice tailored to your specific business operations and the accommodation sought by your employees.
- Failure to provide a reasonable accommodation for an employee's religious practices may result in liability for religious discrimination.

Be aware that Passover begins at sundown on Monday, April 10, 2017, and ends on April 18, 2017, Holy Week, begins on Sunday, April 9, 2017 with the celebration of Palm Sunday, and ends on Saturday, April 15, 2017; Easter, is celebrated on Sunday, April 16, 2017; and Ramadan begins on Friday, May 26, 2017 and ends on June 24, 2017.

Separately, retail establishments that were required to close on Good Friday and Easter Sunday under the repealed Closing Act (P.R. Act 1-1989), must remain closed to the public on these days. Non-exempt employees engaged in urgent or necessary work in those establishments on the aforementioned days, have to be paid at a premium rate.

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