

## Policy

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The California Department of Food and Agriculture and the District Agricultural Associations (herein referred to as the Department) are committed to providing an inclusive work environment that is respectful of the religious beliefs, observances, and practices of its employees and job applicants.

It is Department policy to make a good faith effort to provide accommodations to employees and job applicants to accommodate their religious beliefs, observances, or practices if reasonably possible, without substantial undue hardship to the Department.

The Department is committed to a policy of equal employment opportunity and a discrimination-free work environment for all employees and job applicants.

## Authority

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California Civil Code, Section [51](#)

California Code of Regulations, title 2, sections [11059-11063](#)

California Government Code, Sections [12900](#), [12926](#), [12940](#)

Federal Civil Rights Act of 1964, [Title VII](#)

## Definitions

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*Interactive Process:* A timely, good faith communication between the employer and the applicant or employee with a known religious practice or belief that conflicts with a job requirement. Communication may be achieved in person, via email, or via telephone conversations.

*Religion* Includes any traditionally recognized religion as well as theistic or non-theistic beliefs, observances, or practices which are sincerely held parallel to or with the strength of traditional religious views. Includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

*Religious Accommodation (RA)* An accommodation that eliminates or mitigates the conflict between the religious belief or practice and the job requirement.

Accommodations are only reasonable if they do not pose a substantial undue hardship to the Department.

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| <i>Religious Dress</i>            | The wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious belief. |
| <i>Religious Grooming</i>         | Includes all forms of head, facial, and body hair that are part of an individual observing a religious creed.   |
| <i>Substantial Undue Hardship</i> | An action requiring substantial difficulty or expense when considered in relation to the size, resources, nature, and structure of the Department's operations.           |

### *Responsibility*

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| <i>Office of Civil Rights (OCR)</i>                    | <p>Provide consultation and assistance with the interactive process to ensure compliance with state and federal laws and regulations.</p> <p>Provide the employee with a timely written notice concerning the outcome of the RA request within 30 working days. The notice approves or denies the request, seeks additional information, or continues the interactive process.</p> <p>Provide notification to departmental staff, including, but not limited to; the Human Resources Branch (HRB), the Labor Relations Officer, or Departmental Services Branch in the event additional resources are required to implement an accommodation.</p> <p>Once a request is approved, engage in regular follow ups and consultations with the employee and their manager or supervisor to evaluate the effectiveness of the RA.</p> <p>Investigate complaints of discrimination, harassment, and retaliation.</p> <p>Develop and offer the Department's required RA training to managers and supervisors.</p> |
| <i>HRB</i>   | Provide consultation when the RA requires a personnel action, such as a major or substantial change in job duties, a job transfer, or a temporary reassignment.  |
| <i>Managers, Supervisors, Chief Executive Officers</i> | Must offer an opportunity for an employee to request an accommodation if they knew or should have known that the employee may have a religious belief or practice that conflicts with a job requirement. Failure to do so will result  |

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in a violation of this policy and could result in disciplinary action.

Immediately notify the OCR upon receipt of a verbal or written RA request.

Work with the OCR to engage in the interactive process with the employee by discussing the conflict between the job requirement and the employee's religious beliefs, observances, or practices in order to best accommodate them.

Provide assistance to the employee in completing the Religious Accommodation Request form ([SO-242](#)). The employee may also be referred to the OCR for assistance.

Document all discussions regarding the RA request.

Provide copies of all relevant documentation to the OCR.

Provide the OCR with a written notice concerning the status of the request within 10 working days. The notice should indicate whether the request can be accommodated as requested, if additional information is needed, or whether additional time is needed to evaluate alternative methods to accommodate the employee's requested accommodation.

Attend the required RA training once every four years.

### *Employees*

Initiate the request for an accommodation and discuss the need with their immediate supervisor or the OCR. Complete the [SO-242](#) to identify the conflict between the job requirement and their religious beliefs, observances, or practices.

Submit the completed SO-242 to the immediate supervisor or the OCR.

Provide additional information as requested by the OCR.

[File a complaint](#) if they feel they are being discriminated or retaliated against or harassed based on their protected characteristic or for requesting an RA.

### *Initiating a Request for Religious Accommodation*

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A request for an RA may be initiated by an employee, a family member, a religious or spiritual leader, or other representative authorized to act on the employee's behalf by declaring the need for an accommodation and submitting the SO-242 to

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the employee's immediate supervisor or the OCR.

In cases where the employee has not provided sufficient information to substantiate the conflict between the job requirement and their religious belief or practice, a note on the religious organization's letterhead signed by a member of the clergy or an attestation of faith detailing the conflict may be requested on a case-by-case basis by the OCR.

The completed SO-242 shall be submitted to the OCR by email, standard mail, or in person.

### *Interactive Process*

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The interactive process is initiated immediately upon receipt of the Religious Accommodation Request. The employee, the employee's manager or supervisor, and the OCR shall communicate with each other about the request, the conflict between the job requirement and the employee's religious belief or practice that is generating the request, and alternative accommodations that may be effective in meeting the employee's need.

### *Approval and Religious Accommodation Agreement*

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When a Religious Accommodation Request is approved and all parties have agreed to the accommodation, the OCR will draft an agreement that details:

- The agreed upon conditions of the accommodation.
- The responsibilities of both the employee and the manager or supervisor.
- The duration of the accommodation.
- Any other pertinent information as determined by the case.

The final agreement shall be signed by the OCR, the employee's manager or supervisor, and the employee. The signed agreement shall be mailed, scanned and emailed, or hand-delivered to the OCR to be retained in the employee's file.

Examples of possible accommodations for religious beliefs, observances, or practices include but are not limited to:

- Schedule changes so the employee can attend church services.
- Time off to attend a one-time ritual ceremony.
- A break schedule that will permit daily prayers at prescribed times.
- Exemption to a uniform requirement to allow for religious dress practices.

### *Denial or Modification of a Religious Accommodation Request*

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A request may not be denied based on a belief that the accommodation should have been requested earlier (i.e., during the application or hiring process).

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Approval from the OCR is required to deny a requested accommodation or to modify an existing accommodation. To request a denial or modification of an accommodation, program management must submit the basis of the denial or modification, in writing, to the OCR. If the denial or modification is approved, the OCR will notify the employee in writing of the denial or modification. Reasons for denial or modification may include, but are not limited to:

- Incomplete or inadequate documentation submitted by the employee.
- The accommodation would preclude the individual from performing the essential functions of their job.
- The accommodation would pose a substantial undue hardship to the Department.
- The accommodation poses a risk of harm to the individual or others.

### *Substantial Undue Hardship*

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If a program wishes to deny an RA request because the RA would impose a substantial undue hardship on its operations, the program shall submit in writing to the OCR the criteria upon which the substantial undue hardship is based. The determination of substantial undue hardship must be made on a case-by-case basis. Factors for determining substantial undue hardship include, but are not limited to:

- The overall size of the program with respect to the number of employees, number and type of facilities, and size of budget.
- The type of operation including the composition and structure of the program's workforce. If a substantial undue hardship is claimed based on the composition and structure of the program's workforce, it must be clearly documented that all available alternatives have been explored.
- The cost of the accommodation needed. A claim of substantial undue hardship based on cost must clearly indicate alternatives explored and how the cost will impact the operation of the program.

### *Appeal Rights and Procedure*

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If an accommodation request is denied or if the OCR fails to acknowledge an RA request as detailed above, the employee may file a complaint with the following entities:

- **California Civil Rights Department (CRD)**  
Website: <http://www.calcivilrights.ca.gov>  
English to Voice/TTY: (800) 588-7100  
Spanish Voice/TTY: (800) 855-7200  
Speech to Speech (STS): (800) 855-7300  
Visually Assisted STS: (800) 855-7400

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- **U.S. Equal Employment Opportunity Commission (EEOC)**  
Website: <https://www.eeoc.gov>  
Telephone: (800) 669-4000

### *Discrimination, Harassment, and Retaliation Prohibition and Complaints*

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Discrimination or harassment against an individual because of their actual or perceived protected characteristic, including religion<sup>1</sup>, is strictly prohibited and will not be tolerated by the Department. Additionally, retaliation against an individual for exercising their right to request an accommodation related to a religious belief or practice is strictly prohibited and will not be tolerated by the Department.

These prohibitions apply to all employees, managers, supervisors, volunteers, board members, and other individuals covered by the Department's [Discrimination and Harassment Prevention Policy](#).

An employee may file a complaint through the Department's discrimination and harassment complaint process, in the event they believe they are experiencing discrimination, retaliation, or harassment because of their protected characteristic, because they requested an RA, or because they have been denied access to the interactive process. Please refer to the Department's [Discrimination and Harassment Prevention Policy](#) for the processes and procedures for filing a complaint with the OCR, CRD, and/or EEOC.

### *Training*

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All managers and supervisors are required to take the Department's Reasonable and Religious Accommodation training once every four years.

### *Distribution*

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Distribution of the above policy includes all employees.

For questions concerning this policy or regarding an RA, contact the OCR at (916) 654-1005 or [civil\\_rights@cdfa.ca.gov](mailto:civil_rights@cdfa.ca.gov).

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<sup>1</sup> For a comprehensive list of all protected characteristics, please refer to the Discrimination and Harassment Prevention Policy.

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**THIS SERVES AS NOTICE TO EMPLOYEES OF THE CDFA RELIGIOUS ACCOMMODATION POLICY.**

I hereby certify I have read and understand CDFA's Religious Accommodation Policy. This is to be acknowledged upon hire and annually thereafter.

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Employee Name

Employee Signature

Date

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Supervisor's Name

Supervisor's Signature

Date

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Division/Branch/DAA

Retain in the supervisor's drop file for the employee until superseded. Do not send to the OCR.

cc: Employee