

PERSONNEL SERVICES BULLETINS (PSBs)

440-4

Subject: Time Off for Religious Observance

Supersedes: PSB 440-4 Time Off for Religious Observance, issued June 30, 1997

Source: Administrative Code of the City of New York, Section 8-107, Subdivisions 3 (a) and (b); "Leave Regulations for Employees Who are Under the Career and Salary Plan," Section 2; "Leave Regulations for Management Employees," Section 4

Date: December 19, 2016

I. Policy

Reasonable accommodations are to be made for the needs of employees requesting time off for religious observance. No person shall be required to remain at his or her place of employment during any day or days or portion thereof that, as a requirement of such person's religion, he or she observes as a sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his or her place of employment and his or her home or place of worship. Leave for religious observance is to be charged against annual leave or compensatory time balances.

II. Procedure

A. "Reasonable accommodation", as used in relation to religious observance, means such accommodation to an employee's or prospective employee's religious observance or practice as shall not cause undue hardship in the conduct of the agency's operations.

B. Without in any way limiting the scope of accommodations that may be reasonable, possible accommodations include the following:

1. Advancing annual leave to employees with no accrued annual leave or compensatory time balances to be used to cover the absence from work, such advances are to be charged against future annual leave accruals.
2. When practicable in the judgment of the agency and in accordance with the applicable leave regulations and/or collective bargaining agreement, permitting an employee to make up an absence from work by working an equivalent amount of time at a time convenient to the agency and the employee. Whenever mutually practicable, the employee shall work such equivalent amount of time during the same pay period in which the employee takes leave for religious observance.

C. Factors to be considered in determining whether an accommodation constitutes an undue hardship in the conduct of the agency's operations include, but are not limited to:

- 1.** Whether the agency is able to schedule adequate staff to ensure that the operations and services to the public are not adversely affected;
- 2.** The identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one location to another, in relation to the size and operating cost of the agency;
- 3.** The number of individuals who will need the particular accommodation to a sincerely held religious observance or practice; and
- 4.** For an agency with multiple facilities, the degree to which the geographic separateness or administrative relationship of the facilities will make the accommodation more difficult or expensive.
- 5.** An accommodation shall be considered to constitute an undue hardship, for purposes of this policy, if it will result in the inability of an employee who is seeking a religious accommodation to perform the essential functions of the position in which he or she is employed.

Lisette Camilo
Commissioner