

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 0 - 1
Yeas:	Berger, Buckley, Esquivel, Hunt, Roblan, Rosenbaum
Nays:	-
Exc.:	Thatcher
Prepared By:	Jim Stenbridge, Administrator
Meeting Dates:	5/14, 5/18, 5/25

WHAT THE MEASURE DOES: Requires employer to allow employee to use vacation or other available leave for religious observance and to allow employees to wear religious clothing, take time off for a holy day, or to take time off for religious observance, if doing so does not impose undue hardship on the employer's business operation. Defines "undue hardship" to be an accommodation that would require significant difficulty or expense, including consideration of safety requirements.

ISSUES DISCUSSED:

- Limits of free exercise of religion in the workplace; increasing religious diversity
- "Reasonable accommodation" and undue hardship on business operations
- Interview clothing vs. workplace clothing
- Practices of particular religious minorities, including headwear, other clothing, prayer, holy days
- "Significant difficulty or expense" of accommodation, vs. *de minimis* expense
- Instance of Oregon company's refusal to accommodate
- Experience with similar law currently in operation in the State of New York
- Uniformed workers such as police officers
- Occupational safety, especially involving clothing
- "Establishment of religion" clause of the United States Constitution

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: Religious employees often confront conflicts between their employment obligations and their religious obligations. Federal law requires employers to "reasonably accommodate" employees' religious observances, practices, and beliefs. However, employers need not "reasonably accommodate" if the employers can show that accommodation would cause an "undue hardship" on business. What constitutes "reasonable accommodation" and "undue hardship" depends on the facts in particular situations. Regardless, employers bear the burden of showing that serious attempts were made to accommodate the employee's religious observations and practices.

According to Personnel Policy Service, Inc., the undue hardship test for religious accommodation under federal law differs drastically from the test for accommodating disabilities under the Americans with Disabilities Act (ADA). Under the ADA, employers claiming undue hardship (the same term is used in both), must show that the accommodation would cause a significant difficulty or expense. This standard is more rigorous and difficult to meet than the *de minimis* standard for religious accommodation.

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This summary has not been adopted or officially endorsed by action of the committee.