



Regulation of the Chancellor

Number: **C-606**

Subject: **TIME OFF FOR RELIGIOUS OBSERVANCE**

Category: **PERSONNEL**

Issued: **September 20, 2005**

SUMMARY OF CHANGES

This regulation supersedes and replaces C- 606 dated 9/05/00.

Changes:

- A footnote has been added to clarify that travel time is to be considered when a request for a religious accommodation is made by an employee.

ABSTRACT

It is the policy of the New York City Department of Education (the "Department") to make accommodations to employees' religious observances and practices.

I. ACCOMMODATIONS

Accommodations shall be made for employees requesting time off for a full day or part of a day for Sabbath or holy day observance,¹ except that an accommodation need not be provided (1) in cases of an emergency, (2) if the individual's personal presence is indispensable to the orderly transaction of business, (3) for positions dealing with health or safety where the person holding such position must be available for duty whenever needed, or (4) if the individual's personal presence is regularly essential on any particular day or days or portion thereof for the normal performance of that individual's duties.

Each request for such accommodation must be assessed individually to determine whether any of the exceptions listed above apply. Factors which may be considered in making this determination may include, but are not limited to, the following:

- ability to provide required level of services in the individual's absence;
- ability to maintain proper supervision; and
- disruption to the work place.

II. PROCEDURE

When an employee requests time off for religious observance, such request shall be considered by the bureau/office/division head or his/her designee or, in the case of a school, by the principal or his/her designee (hereinafter "Responsibility Center Head"). The Responsibility Center Head shall make a good faith effort, with due consideration given to the law, the responsibilities and policies of the Department and the factors listed above, to accommodate any request for time off for religious observance. Efforts to accommodate may include consideration of alternative work schedules or use of paid or unpaid leave, inquiry to other employees, consideration of the possibility of reassignment, and consideration of accommodations proposed by the individual seeking accommodation. The individual has a correlative duty to cooperate in reaching an accommodation. Where an accommodation is appropriate and possible and involves an alternative work schedule or use of leave, the following guidelines apply.

A. Alternative Work Schedule

The Responsibility Center Head may permit the employee to have an alternative work schedule which enables the employee to take time off for religious observance and make up such time when mutually agreeable to the Responsibility Center Head

¹ This includes a reasonable time period for travel between employee's place of employment and employee's home.

and the employee. (Such alternative work schedule must be reasonable and may not be inconsistent with the terms of any applicable collective bargaining agreement, law, or regulation.) The Responsibility Center Head should arrange for sufficient supervision for the employee and make every effort to minimize any disruption to the services provided to students, staff and the public.

B. Paid or Unpaid Leave

If no alternative work schedule is involved, time taken for religious observance may be charged against the employee's accrued annual leave or overtime balance/compensatory time, but not sick leave. However, in accordance with the applicable collective bargaining agreement and regulations, pedagogical employees are permitted to use a certain portion of their sick leave as personal business days (this portion is currently a maximum of three days per year). Accordingly, pedagogical employees may charge time taken for religious observance against this personal portion of their sick leave. Where the employee has no accrued leave or overtime balance/compensatory time, the time may be taken as a leave without pay or may be charged against future annual leave accruals in accordance with existing policy. Pedagogical employees are also permitted to use a non-attendance day for religious observance, in which case the employee is paid his or her regular salary less the cost of an appropriate per diem substitute.

III. RECORD KEEPING

All Responsibility Center Heads must insure that accurate records are maintained concerning accommodations made for religious observance and that consistent procedures are utilized for processing such requests. Records maintained should include requests for accommodations, efforts made to accommodate, reasons for grant or denial of accommodation, alternative work schedules, absences due to accommodation, leave schedules and time balances. The Division of Human Resources may require Responsibility Center Heads to file periodic reports regarding accommodations granted for religious observance.

IV. INQUIRIES

Inquiries concerning this Regulation should be directed to:

Office of Support Services
N.Y.C. Department of Education
65 Court Street – Room 504
Brooklyn, NY 11201
Telephone:
718-935-5878
Fax:
718-935-5472