

## U.S. CUSTOMS AND BORDER PROTECTION

**CBP DIRECTIVE NO. 51713-012**

**DATE: November 2, 2012**

**ORIGINATING OFFICE: OC:DCR**

**REVIEW DATE: November 2015**

### **SUBJECT: REASONABLE ACCOMMODATION FOR RELIGIOUS BELIEFS OR PRACTICES**

#### **1 PURPOSE**

To set forth U.S. Customs and Border Protection's (CBP) policy regarding reasonable accommodation of religious beliefs and/or practices for employees and applicants for employment.

#### **2 SCOPE**

This Directive applies to all CBP employees and applicants for employment.

#### **3 POLICY**

It is the policy of CBP to prohibit discrimination against employees and applicants for employment based on religious beliefs, practices, or affiliation. In addition, CBP shall provide reasonable accommodation for the religious beliefs and/or practices of employees and applicants for employment unless providing a reasonable accommodation would result in undue hardship to CBP.

#### **4 AUTHORITIES/REFERENCES**

Title VII of the Civil Rights Act of 1964, as amended, as implemented through 29 C.F.R. Part 1605.

#### **5 DEFINITIONS**

**5.1 Applicant:** An individual seeking consideration for employment with CBP.

**5.2 DCR Staff Member (Facilitator):** The Office of Diversity and Civil Rights (DCR) staff member assigned to facilitate the interactive discussion between the employee and the management official and/or Decision-maker.

**5.3 Decision-maker:** A management official in the employee's chain of command with the authority to approve or deny a request for religious accommodation.

**5.4 Employee:** A member of CBP's permanent or temporary workforce, full or part-time, and in a competitive or excepted service position.

**5.5 Interactive Process:** The process by which the individual requesting an accommodation and CBP management officials interact to determine the appropriate reasonable accommodation under the circumstances.

**5.6 Religious Belief or Practice:** A belief or practice that is sincerely held with the strength of traditional religious views, including moral or ethical beliefs as to what is right and wrong. Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs or practices.

**5.7 Religious Accommodation for Applicants:** Modifications or adjustments to the application process that allow an individual to practice his or her religious beliefs without creating an undue hardship on CBP.

**5.8 Religious Accommodation for Employees:** Modifications or adjustments to the work environment that will allow the employee to practice his or her religious beliefs without creating an undue hardship on CBP.

**5.9 Undue Hardship:** An action that would impose more than *de minimis* cost or burden on the operation of the Agency.

## **6 RESPONSIBILITIES**

**6.1 The Office of Human Resources Management (HRM)** is responsible for processing requests for religious accommodation from applicants seeking employment with CBP.

**6.2 The Office of Diversity and Civil Rights (DCR)** is responsible for facilitating the interactive process between the employee and the management official to determine the appropriate reasonable accommodation under the circumstances.

**6.3 Local senior managers and supervisors** (e.g., Chief Patrol Agents; Directors, Field Operations; Directors, Air and Marine Branch, and their equivalents in other offices) are the Decision-makers authorized to determine whether a requested accommodation will be approved or denied.

**6.4 Employees** are responsible for initiating requests for religious accommodation through their immediate supervisor and cooperating during the interactive process necessary to determine whether a requested accommodation can be approved.

**6.5 Applicants** are responsible for initiating requests for religious accommodation by contacting the Indianapolis or Minneapolis Hiring Center, as applicable.

## **7 PROCEDURES**

**7.1** An applicant requesting religious accommodation for any stage of the application process must submit a request for accommodation to the Indianapolis or Minneapolis Hiring Center, as applicable.

7.2 Employees shall request a religious accommodation through their immediate supervisor with as much advance notice as possible.

7.3 In the event of an emergency situation (e.g., terrorism attack, increased alert level, unforeseen staffing shortage, etc.), CBP reserves the right to temporarily adjust the work schedule of all employees, as needed, until the emergency situation has passed.

## 8 RECORD KEEPING REQUIREMENTS

To ensure that CBP maintains accurate records regarding requests for religious accommodation, the receiving supervisor shall ask the employee to complete the “CBP Religious Accommodation Request Form.” (See [Attachment A](#)).

## 9 PROCESSING EMPLOYEE REQUESTS FOR RELIGIOUS ACCOMMODATION

Upon receipt of the request, either orally or confirmed in writing on the “CBP Religious Accommodation Request Form,” the supervisor shall refer it to the DCR staff member assigned to provide service to the management area.

## 10 APPROVAL OR DENIAL OF THE REQUEST

10.1 The Decision-maker will issue a written decision to the employee approving or denying the request.

10.2 Any employee rights to appeal the decision will be outlined in the response letter to the employee.

## 11 APPEAL RIGHTS

**11.1 Appeal to the Executive Director, DCR.** If an employee’s request for a reasonable accommodation is denied, he or she may appeal the decision to the Executive Director of the Office of Diversity and Civil Rights within 10 calendar days of receipt of the denial notice. **Filing an appeal with the Executive Director, DCR, does not toll the 45-calendar day time period allowable to file an informal EEO complaint of discrimination or any contractually established time limit allowed for the filing of a grievance.**

**11.2 EEO Complaint.** Any employee who believes that he or she had been discriminated against may file an informal EEO complaint within 45-calendar days from the date he or she receives the response if he or she wishes to pursue a claim of employment discrimination.

**11.2.1** Instructions for filing an informal EEO complaint can be found at the following web-address: <http://www.cbp.gov/xp/cgov/admin/fl/eoo/>.

**11.3 Negotiated Grievance.** Bargaining unit members may file a grievance under the applicable union-management negotiated grievance procedure.

**11.3.1** Instructions for filing a negotiated grievance can be found at the following web-addresses:

[http://cbpnet.cbp.dhs.gov/linkhandler/cbpnet/hrm/for\\_employees/labor\\_news/bargain\\_agree.ctt/bargain\\_agree.pdf](http://cbpnet.cbp.dhs.gov/linkhandler/cbpnet/hrm/for_employees/labor_news/bargain_agree.ctt/bargain_agree.pdf) and

[https://cbpnetsecure.cbp.dhs.gov/sites/obp/Docs/HqPolicy/BP\\_NBPC\\_Contract.pdf](https://cbpnetsecure.cbp.dhs.gov/sites/obp/Docs/HqPolicy/BP_NBPC_Contract.pdf).

**11.4 Administrative Grievance.** Non-bargaining unit members may file a grievance under CBP's Administrative Grievance System.

**11.4.1** Instructions for filing an administrative grievance can be found at the following web-address:

[http://pods.cbp.dhs.gov/docs/office%20of%20human%20resource%20management%20\(ohrm\)/directives/51771-001.doc](http://pods.cbp.dhs.gov/docs/office%20of%20human%20resource%20management%20(ohrm)/directives/51771-001.doc).

## **12 TIME FRAMES**

**12.1** Requests for accommodation will be processed within a reasonable period of time based upon the facts and circumstances.

**12.1.1 Requests Not Involving Extenuating Circumstances:** If the request does not involve extenuating circumstances, it shall be processed and the accommodation, if granted, provided as soon as possible but not more than **30 business days** from the date the request was initially made.

**12.1.2 Requests Involving Extenuating Circumstances:** The time for processing the request and providing the accommodation will be extended as reasonably necessary.

## **13 INTERIM ACCOMMODATION**

The Decision-maker may provide an interim accommodation while the employee's request for a religious accommodation is being processed or if an approved accommodation cannot be promptly implemented, based on a totality of the circumstances.

## **14 CHANGES TO AN EMPLOYEE'S ASSIGNMENT**

Employees whose work schedules, positions, work units or duty locations substantively change, must submit a new request for a religious accommodation by following the procedures/process set forth in this Directive.

## **15 ADDITIONAL INFORMATION**

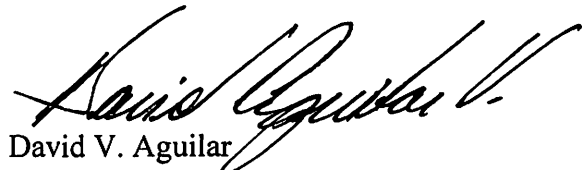
For additional information or questions, please contact your [local DCR staff member](#).

## **16 BARGAINING UNIT EMPLOYEES**

This policy does not supersede any procedures contained in existing collective bargaining agreements (CBAs) covering bargaining unit employees within CBP. In addition, this policy must be used in conjunction with the negotiated procedures contained in existing CBAs.

## **17 NO PRIVATE RIGHTS CREATED**

This document is an internal policy statement of CBP and does not create or confer any private rights, privileges, or benefits for any person or party.



David V. Aguilar  
Acting Commissioner  
U.S. Customs and Border Protection

**ATTACHMENT A:**



**U.S. CUSTOMS AND BORDER PROTECTION  
RELIGIOUS ACCOMMODATION REQUEST FORM**

**Employee Information**

Date: \_\_\_\_\_

Name of Employee Requesting Accommodation: \_\_\_\_\_

Position Title, Series and Grade: \_\_\_\_\_

Office Location and Address: \_\_\_\_\_ Work Phone # \_\_\_\_\_

Home or Cell Phone # \_\_\_\_\_

Are you a member of a collective bargaining unit? Yes \_\_\_ No \_\_\_ If "Yes" identify the bargaining unit: \_\_\_\_\_

Name of Immediate Supervisor: \_\_\_\_\_

Position/Title: \_\_\_\_\_ Work Phone # \_\_\_\_\_ E-mail: \_\_\_\_\_

**Request for Religious Workplace Accommodation**

A reasonable religious workplace accommodation is an adjustment to the work environment that will allow an employee to practice his/her religion without causing undue hardship on the conduct of CBP's business or operation. In order to consider your request for a religious workplace accommodation, please provide the following information:

Identify your religious practice or belief and state what work condition(s) conflict with the practice or belief. Also state the date(s)/frequency of the religious practice(s) (e.g., daily, weekly, monthly, etc.).

What specific workplace accommodation do you request? (e.g., leave, compensatory time, scheduling change, etc.)

If you have requested this religious accommodation previously, please state approximately when the request was made, the name of the individual who responded to the request, and the outcome of the request.

**(IF NECESSARY, PLEASE USE ADDITIONAL SHEETS FOR ANY OF THE INFORMATION REQUESTED ABOVE)**

I verify that the above information is complete and accurate to the best of my knowledge and I understand that any intentional misrepresentation contained in this request may result in revocation of any approved accommodation and/or disciplinary action.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Supervisor's Use Only**

Date received: \_\_\_\_\_ Received by: \_\_\_\_\_  
(Print and Sign)

Date referred to DCR: \_\_\_\_\_ Referred by: \_\_\_\_\_  
(Print and Sign)