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New Policy to Better Accommodate Employees' Religious Obligations

- Metro will make 'good faith' effort under legal settlement
- Requires cooperation of agency and employees

By BILL HEARD, Editor

(Oct. 26, 2005) With the settlement earlier this month of a federal lawsuit, Metro will draw up a new policy ensuring that the agency will make a "good faith effort" to accommodate employees who have religious obligations that restrict their working hours.

The terms of the settlement in the case, which involved a bus operator trainee who is an Orthodox Jew, refer specifically to Metro Bus operators. However, some elements of the policy are expected to have a wider reach that will include all Metro employees.

The new policy, which is due in January, will supplement HR 3-1, which prohibits discrimination on the basis of race, color, creed, ancestry, national origin, gender, sexual orientation, religion, age, veteran status or disability. New job marketing materials will reflect the new religious accommodations policy.

Metro worked with the UTU to negotiate the settlement with the U.S. Department of Justice over a period of about a year. It includes ways to accommodate bus operators who have strict religious obligations that would conflict with certain shifts – usually on evenings or weekends – while leaving the UTU's seniority system intact.

'Good faith effort'

"We're required by law to make a good faith effort to accommodate operators who have sincere religious beliefs," says Attorney Mary Reyna of the County Counsel's office, who helped negotiate the settlement, "and that's what we'll do."

The settlement includes a detailed procedure under which Metro managers and affected operators are required to cooperate in reaching agreement on ways to accommodate an operator's religious requirements.

That usually will mean finding an appropriate shift the operator can work – even if it's at another operating division or in a different sector.

It also can include placing an operator on "Religious Unpaid Leave Status" (RULS) for up to 30 days until a suitable assignment is identified. Failure to find a suitable assignment by the expiration of the 30-day period, according to the terms of the settlement, could lead to the operator's termination.

Serious religious needs

“We’re not talking about a person who needs an occasional day off to attend a religious service or participate in a religious holiday,” says HR Director Stefan Chasnov. “A preference not to work on Christmas, or not to work Sunday mornings, will not be accommodated. This process is intended for those who seriously need a religious accommodation.”

The settlement sets caps on the number of days operators can be placed on RULS, and includes limits on the number of operators at a division and systemwide who can be placed on RULS.

While on RULS, an operator remains eligible for health benefits, seniority accrual, vacation time or other paid time off. An operator is allowed to use vacation or paid time off, if otherwise entitled to do so, before going on RULS.

Operations managers and supervisors are to receive training in the new religious accommodations policy by the end of March, 2006.

“In reaching this agreement, the Department of Justice understood Metro’s business necessities and the realities at work here,” says Reyna. “Operators have to plan ahead and give us reasonable advance notice, they can’t just come in at the last minute.”