

## Unpaid Holidays for Religious Purposes

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### PURPOSE

In an effort to accommodate differing faith communities whose religious holidays do not align with those recognized by the State, Washington State Law (RCW 1.16.050) was amended June 12, 2014, to provide employees two (2) unpaid holidays per calendar year for “a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.”

### POLICY

In line with Washington State Law, County employees may take up to two (2) unpaid religious holidays per calendar year for “a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization,” unless the employee’s absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety.

“Undue Hardship” means it requires significant difficulty or expense to the employer. The following are examples of factors that may be considered when determining if the unpaid leave will result in an undue hardship:

- 1) The type of operations and the effect of the employee’s absence on operations;
- 2) Minimum staffing requirements and the number of employees requesting leave;
- 3) The impact of the employee’s absence on public safety; and
- 4) If the employee’s absence will take away another employee’s benefit guaranteed by a seniority system or collective bargaining agreement (CBA).

See WAC 82-56-020.

The presence of a CBA or seniority system does not eliminate the need to evaluate the specific facts to determine if granting the leave would create an undue hardship. The employer must attempt to reconcile the absence with the requirements of the applicable CBA whenever possible. However, if granting the employee’s request would violate the applicable CBA, that would constitute an undue hardship and the request can be denied. WAC 82-56-030.

Requests are to be determined on a case-by-case basis; however, the majority of leave requests based on a good-faith religious, spiritual or philosophical belief or doctrine will likely qualify for the unpaid holiday.

## **POLICY DETAIL AND PROCEDURES**

- Two (2) unpaid holidays are allowed per calendar year; they do not carry over from one year to the next.
- The unpaid holiday entitlement is not limited to specific holidays or events.
- Employees cannot use vacation time or other paid time off for this type of leave.
  - If an employee chooses to take vacation or other paid time off instead of an unpaid holiday, it will be subject to the normal paid time off approval process.
- If a FLSA-exempt employee requests an unpaid holiday, the employee will not be paid for that day.
- Partial days off will count as a full day toward the employee's yearly allotment of two (2) days.
- The absence should be entered into PeopleSoft with the Unpaid Religious Holiday reason code, under the Leave without Pay time reporting code.

### ***Request Process***

An employee must provide advance written notice consistent with the work unit's usual leave without pay request process. Written requests should include the following:

- The employee's name;
- The day(s) that the employee seeks to take unpaid holiday leave;
- The amount of unpaid time requested; and
- A sufficient description of the reason for the leave to determine whether such leave is appropriate under the law.

The unpaid holiday will not be considered approved unless it has been authorized in writing by the employee's supervisor.

### ***Basis for Denying a Leave Request***

- The request was not submitted in a timely fashion; or
- The reason for the requested leave is not appropriate under the law; or
- The employee has already taken his or her two (2) days off under the law; or
- Granting the request would cause an undue hardship; or
- The employee works in a public safety position and granting the leave would result in the shift falling below necessary staffing levels.

## **QUESTIONS/COMMENTS**

Refer all questions or comments to your department's Service Delivery Manager, or to the Human Resources Division Central Office.

In issuing this policy the County is implementing state law and thus reserves the right to withdraw this benefit if state law changes.

## Frequently Asked Questions (FAQs):

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**1. What employees are entitled to the two (2) unpaid religious holidays?**

All employees; including career service, probationary, provisional, appointed, TLTs, STTs, interns, and work study students.

**2. If an unpaid holiday is taken next to an official county paid holiday, does that bar payment of the paid holiday?**

No, it does not. For example, if an employee requested Christmas Eve off as one of the employee's two allowable unpaid holidays for religious purposes, the employee would still be paid for Christmas Day.

**3. Can a request be denied because the absence would cause the employer to incur overtime expenses?**

No. Overtime expenses incurred due to an employee taking an unpaid holiday for religious purposes alone would not constitute an undue hardship.