

# ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

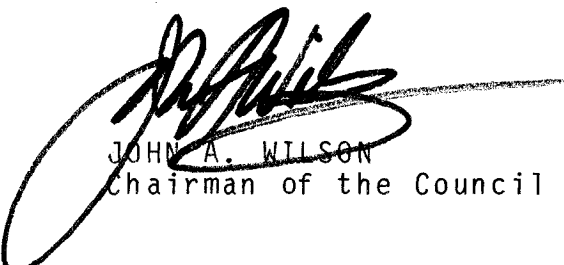
NOTICE

D.C. LAW 9-211

"Human Rights Act of 1977 Religious Observance  
Accommodation Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-276 on first and second readings, November 4, 1992, and December 1, 1992, respectively. Following the signature of the Mayor on December 21, 1992, this legislation was assigned Act No. 9-340, published in the January 1, 1993, edition of the D.C. Register, (Vol. 40 page 21) and transmitted to Congress on January 13, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-211, effective March 17, 1993.



JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 20,21,22,25,26,27  
February 2,3,4,16,17,18,19,22,23,24,25,26  
March 1,2,3,4,5,8,9,10,11,12,15,16

Codification

AN ACT

District of Columbia Code

D.C. ACT 9-340

(1993 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 21, 1992

To amend the Human Rights Act of 1977 to require that employees be allowed reasonable accommodation for the observance of religious practices.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Act of 1977 Religious Observance Accommodation Amendment Act of 1992".

Sec. 2. Section 211 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2512), is amended by adding a new subsection (c) to read as follows:

Section  
1-2512

"(c) Accommodation for religious observance.

"(1) It shall further be an unlawful discriminatory practice for an employer to refuse to make a reasonable accommodation for an employee's religious observance by permitting the employee to make up work time lost due to such observance, unless such an accommodation would cause the employer undue hardship. An accommodation would cause an employer undue hardship when it would cause the employer to incur more than de minimis costs.

"(2) Such an accommodation may be made by permitting the employee to work:

"(A) During the employee's scheduled lunch time or other work breaks;

"(B) Before or after the employee's usual working hours;

"(C) Outside of the employer's normal business hours;

"(D) During the employee's paid vacation days;

"(E) During another employee's working hours as part of a voluntary swap with such other employee; or

"(F) In any other manner that is mutually agreeable to the employer and employee.

"(3) When an employee's request for a particular form of accommodation would cause undue hardship to the employer, the employer shall reasonably accommodate the employee in a manner that does not cause undue hardship to the employer. Where other means of accommodation would cause undue hardship to the employer, an employee shall have the option of taking leave without pay if granting leave without pay would not cause undue hardship to the employer.

"(4) An employee shall notify the employer of the need for an accommodation at least 10 working days prior to the day or days for

which the accommodation is needed, unless the need for the accommodation cannot reasonably be foreseen.

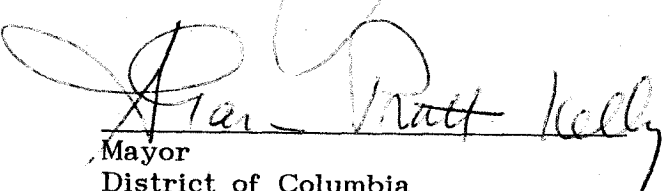
"(5) In any proceeding brought under this section, the employer shall have the burden of establishing that it would be unable reasonably to accommodate an employee's religious observance without incurring an undue hardship, provided, however, that in the case of an employer that employs more than 5 but fewer than 15 full-time employees, or where accommodation of an employee's observance of a religious practice would require the employee to take more than 3 consecutive days off from work, the employee shall have the burden of establishing that the employer could reasonably accommodate the employee's religious observance without incurring an undue hardship; and provided further, that it shall be considered an undue hardship if an employer would be required to pay any additional compensation to an employee by reason of an accommodation for an employee's religious observance. The mere assumption that other employees with the same religious beliefs might also request accommodation shall not be considered evidence of undue hardship. An employer that employs 5 or fewer full-time employees shall be exempt from the provisions of this subsection."

Sec. 3. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: December 21, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-276

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 11-4-92

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Evans

[ ] ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: December 4, 1992

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 12-1-92

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Cropp, Jarvis and Thomas

[ ] ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: December 4, 1992

[ ] Item on Consent Calendar

[ ] ACTION & DATE:

[ ] VOICE VOTE:

Recorded vote on request

Absent:

[ ] ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date