

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 33.—Discrimination Because of Religion

21-33-1. Statement of purpose.

(a) The guidelines in this part have been adopted to contribute to the implementation of non-discriminatory personnel policies with respect to employee religious beliefs as required by the Kansas act against discrimination. The guidelines in this part are designed to serve as a workable set of standards for employers, unions and employment agencies in determining whether their policies concerning employee religious beliefs conform with the basic purposes of the elimination of discrimination in employment as defined by the act.

(b) Observance of sabbath and other religious holidays. Regarding whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days, the commission finds that the duty not to discriminate on religious grounds, under the act, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer. Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable. The commission will review each case in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the people of Kansas.

(Authorized by K.S.A. 1974 Supp. 44-1004 and 44-1005; effective, E-74-14, Dec. 28, 1973; effective May 1, 1975.)

***** Authenticated Kansas Administrative Regulation *****