

## Accommodating Long-Term Leave

This spring, you may have had employees who wanted to take a day off for Good Friday or Vaisakhi, or maybe up to a week for Passover. Between paid time off and holiday swapping policies, those requests were probably easy to accommodate. But what do you do about requests for long-term leave when it doesn't involve pregnancy or a disability for which you already have policies in place? Is your company ready to accommodate and support employees who need extended time off for religious practices or observances? Even when such requests present real challenges?

“Is your company ready to accommodate and support employees who need extended time off for religious practices or observances?”

There are many reasons that an employee might need to take long-term leave for religious reasons. Below are three situations that any HR professional or manager might encounter.

- A sales associate requests two and a half weeks of unpaid leave to complete the Hajj (the Muslim pilgrimage to Mecca, Saudi Arabia). In her request, the associate states that completing the Hajj is one of the five pillars of Islam and thus a requirement for her as a Muslim.
- A customer service representative has an unexpected death in the family. With very short notice, he asks for three weeks of unpaid leave in order to travel to India for the cremation of his father. As the eldest son, it is crucial that he be present to initiate the cremation and take part in subsequent rituals.

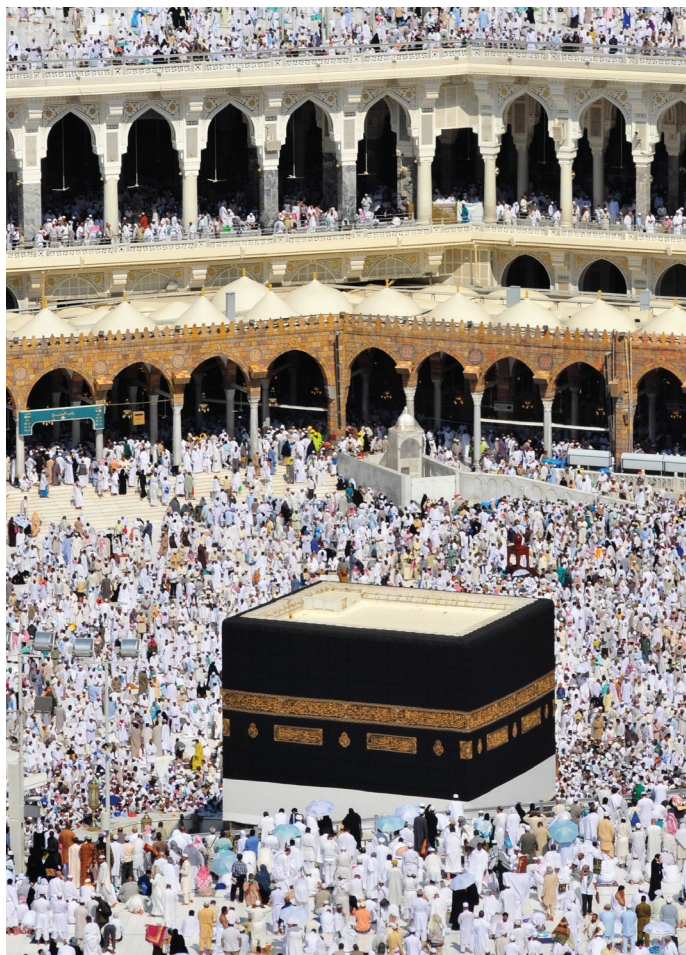


Photo: Fadli El Binni

- A partner requests a month of unpaid leave to attend an Ayurveda yoga retreat. He shares that the purpose of the retreat is to rebalance his mind and body and is necessary for him to do his best work and lead a spiritually sound life.

Naturally, the ability of a workplace to accommodate such requests varies greatly among companies/industries or even from one department to the next. Challenges often come along with long-term leave requests, including real disruption of normal business operations. If the employee making the request is on a small team, her absence might mean unreasonable amounts of work for her colleagues. If the employee's job requires specialized skills, it may not be possible to find someone to take on his work. And if the employee is the lead on a project that needs to be completed imminently, her absence could throw a wrench in the schedule.

### MAKING IT WORK (FOR EMPLOYEE AND EMPLOYER)

When it comes to any type of request for a religious accommodation, even one that seems unreasonable at first glance, the better practice is to adopt the Accommodation Mindset™ by starting with the question: "How can I accommodate this employee?" That's different than asking yourself, "should I grant this request?" or "do I have to?" To begin answering the first question, you must **research your company's limitations and capacities**.

That does not always happen. Several years ago, an employee won a court case after being denied a request for five weeks of unpaid leave to return to his home country to participate in the burial rituals of his father. There, the company had a regular practice of using temporary workers to cover absences. So, the question arises – since the company in question had a history of using temporary workers, why didn't it consider this resource as a possible solution? The answer is obvious. The HR department didn't start with the right question. Temporary workers are one way to allow for long-term leave. But they are not the only one. Through a process of **thoughtful planning**, the challenges of long-term leave

can be mitigated. By planning, expectations for work completion and coverage should be clearly outlined, and should involve conversations with all of the employees involved. A thoughtful plan involves going through the Long-Term Leave/Accommodation Checklist and being able to clearly answer all of the following questions:

- Which, if any, deadlines will be affected?
- What projects can you complete before your departure?
- Will you need/are you able to work longer hours before and after leave to achieve certain goals?
- Which on-going responsibilities can wait until you return?
- Which on-going responsibilities will require coverage?
- Who has the capacity to cover for those discreet responsibilities and what do they need to know before you leave?
- Are there any issues too sensitive or individual to be covered by other employees and how will those be addressed?
- During your time away, are you able to engage with any of your regular duties?



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At first, this process may seem cumbersome, but the questions help managers and human resources effectively respond to requests. The process also prevents knee-jerk denials. If all of these matters can be addressed, the accommodation can likely be made relatively easily. And your company will be putting the Accommodation Mindset™ into practice!

Of course, not all companies have these options for flexibility. Sometimes, it is not possible to address all the above issues, and an inability to cover ongoing or



special job functions can make an accommodation seem impossible. If the answers to any of the questions in the Long-Term Leave/Accommodation Checklist raise concerns, start by **looking for alternatives**. Can you offer three weeks of unpaid leave instead of four? Can the employee be out of the office but check in via email once a day and call in for meetings? Often, you'll find a way to compromise.

As is so often the case, **respectful communication** also plays a key role. Having a face-to-face conversation about the request can go a long way. The employee making the request may even have creative alternatives to offer, if her initial request cannot be accommodated in its entirety. Clearly explaining why the accommodation cannot be made can create an opening for this conversation and will certainly let the employee know that her request was carefully considered.

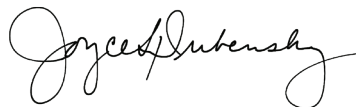
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Finally, it's critical to implement clear guidelines and policies for employees to use when requesting an accommodation. Having policies in place will not only

make the process easier, but also decrease the likelihood of an employee feeling that his request was denied unjustly. Such policies and guidelines should always allow for maximum flexibility. While certain industries and roles may not allow for flexibility, many of the most successful companies are increasingly looking to improve their employees' work-life balance.

Telecommuting, job-sharing and schedule adjustments are becoming increasingly common, which can help to provide employees with paid time off for both religious and non-religious reasons. We also know employers who allow employees to “buy” unpaid vacation days; there, if an employee knows he will be taking unpaid time off, he can reduce his gross salary by the amount of pay he would be giving up and then distribute his reduced annualized salary throughout the year to avoid having to go for several entire weeks without any income. Similarly, some employers allow employees to trade and donate vacation and sick leave to one another, which can provide flexibility and help to build teamwork and morale.

If you remember nothing else from this newsletter, I ask you to remember two things. First, if an employee requests a religious accommodation for long-term leave, adopt the Accommodation Mindset™ and check out the Long-Term Leave/Accommodation Checklist. And second, never forget that as a Tanenbaum Corporate Member, you can always call the Workplace team if you get stuck to get our best thinking on any situation that arises.



Joyce S. Dubensky  
CEO

