

September 25, 1981

HOLY DAY ABSENCE

There are two times of the year which most dramatize the stress of being less than three per cent of the American population. One of those times occurs during major Christian Holy Days, especially Christmas. The other occurs during major Jewish Holy Days, especially Rosh Hashana and Yom Kippur.

Stanford Hillel has just handled, in model fashion, one of the typical kinds of problems that arise. Registration day for that University fell on Rosh Hashana. That is no small matter, because late registration would have meant that some Jewish students could not have gotten into some limited-enrollment classes. It would also have precluded signing up enough interested students soon enough in order to create special courses in Hebrew and Yiddish. There would have been other disabilities.

Stanford Hillel made arrangements for Jewish students to register late without penalty. It also made an extraordinary arrangement whereby Jewish students could complete their registration for limited-enrollment classes early, at Hillel. Hillel then handed those registrations over to the registrar who saw to it that they were processed at the exact time as students whose names began with the same letter. The linguistics department was also apprised, by that means, of desires for Hebrew and Yiddish. Other minor disabilities were ameliorated.

What's involved is the "reasonable accomodation" principle -- that is, reasonable accomodation to religious needs. We don't want to impose our religious needs and dates on everyone else, just as we don't want to be imposed on by other religious needs. But we do want the institutions, public and private, to negotiate some accomodation so that we won't be disabled.

Sometimes registration dates can be shifted without overly discommoding the institutions; sometimes they can't. In that case, some "affirmative action," if you will, is required. Stanford University rose to that challenge, with Hillel's stimulation:

Since a special kind of registration form was needed for this special process, the Stanford registrar adapted the "Overseas Registration" form for the purpose. And Stanford Hillel can now turn its attention to the anti-AWACS campaign which it is conducting on campus.

Then there is the matter of Jewish public school teachers. There is no question but that they can absent themselves on religious holidays; but there is a question as to whether they can be paid for it. Before 1977, they could *not* be paid for such absences in California, by state law. That year, the JCRC devised a bill, passed by the state legislature, which permitted school districts to pay such absent teachers. As the author of the bill put it in his statement of legislative intent, the law permitted school boards to let teachers use paid "personal necessity leave for the observance of such days as Yom Kippur." Of course, each local school board had to then pass its own resolution.

In other fields of employment, the question is often whether Jewish employees have the *right* to absent themselves at all on religious holidays. There is now federal law on that. The Guidelines of the Equal Employment Opportunity Commission state that employers (public and private) "have an obligation to accomodate religious practices; unless they can demonstrate that accomodation would result in undue hardship."

That federal law applies not only to religious holidays, but to other religious practices such as dietary requirements, dress habits and mourning periods. And in the process of seeking employment, the law says: "If an individual cannot take a test or comply with some other selection procedure because it is scheduled at a time which conflicts with his or her religious practices, the employer has an obligation to make a reasonable accomodation."

Earl Raab
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These are the blessings of pluralism, in letter and in spirit. The law goes about as far as it can, and more and more institutions are willing to negotiate where the law doesn't apply -- as in the case of registration day at Stanford.

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