

November 28, 2001

MEMORANDUM

TO: HHS and FDA Chapter Presidents

RE: MOU Amending the November 2000 FDA-NTEU ORA Uniform Agreement

**SUMMARY: FDA and NTEU have signed an MOU that clarifies the right of employees to request and receive a reasonable accommodation for bona fide religious beliefs when those beliefs conflict with the current FDA uniform policy.**

I have attached a copy of an MOU between FDA and NTEU that clarifies the right of employees to request and receive a reasonable accommodation for bona fide religious beliefs when those beliefs conflict with the current FDA uniform policy. The need for the MOU arose when an FDA ORA import inspector informed her supervisor that it was against her religious beliefs to wear pants. Regardless of her religious belief, management failed to excuse the employee from the uniform requirement. Once NTEU reminded FDA of their legal obligation to provide reasonable accommodation for bona fide religious beliefs in order to avoid a religious discrimination claim, FDA agreed to sign the MOU.

In order to receive a reasonable accommodation, employees must have a bona fide religious belief that conflicts with the uniform policy and they must inform their immediate supervisor or other FDA manager that they have such a belief and specifically request an accommodation. An accommodation can take many forms, from allowing the employee to wear a skirt instead of pants, to allowing the employee to be completely exempt from the uniform requirements. However, it is important to remember that the accommodation offered by the agency can only be reasonable and that it not impose an undue hardship on the agency.

If you have any questions or require a more specific explanation of some of the terms of the MOU, please contact Peter F. Gimbrère, National Negotiator. He can be reached by e-mail at [pgimb@nteu.org](mailto:pgimb@nteu.org) or by phone at (202) 783-4444, ext. 3743.

Colleen M. Kelley  
National President

Attachment