

## **Pregnant Workers Fairness Act Supervisor Responsibilities and Resources**

### **What does the PWFA do?**

The Pregnant Workers Fairness Act (PWFA) requires employers to provide reasonable accommodations to employees affected by pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship on the university. Examples of pregnancy-related medical conditions include, but are not limited to, infertility and fertility treatment, high blood pressure, menstruation, use of birth control, and termination of pregnancy, including miscarriage. The act also protects employees from discrimination and retaliation related to these conditions.

### **How do I help employees?**

Employees may request accommodations verbally or in writing. Be attentive to both forms of requests and provide assistance and decision as quickly as possible, even if you need to allow accommodation temporarily while considering longer term options. The employee should inform the supervisor that they have a limitation and that they need an adjustment or change in their working conditions. Examples of this may be:

- “I’m having trouble getting to work at my scheduled starting time because of morning sickness.”
- “I need more bathroom breaks because of my pregnancy.”
- “I need time off from work to attend a medical appointment because of my pregnancy.”

If an employee requests an accommodation because of their pregnancy, childbirth, or related medical condition, you should ask the employee what accommodation they’re seeking and work collaboratively to a solution. If an employee has identified pregnancy or related medical condition and requests an accommodation, the department must provide reasonable accommodations.

### **What documentation is required?**

The employee can verbally request an accommodation. It is encouraged that supervisors send a follow up email to the employee acknowledging the discussion and agreed upon accommodation. If appropriate, the Human Resources Business Partner should be cc’d on the email.

If the accommodation request is for leave before, during or after pregnancy, or for a related medical condition, a formal request should be submitted to [PWFA Accommodation Request](#).

### **What are approved accommodations?**

Most accommodations do not require medical documentation and proof of the need of an accommodation cannot be requested, in most cases. The EEOC has provided a list of

**predictable assessments** that are **required** to be accommodated immediately. This list is as follows:

- Allowing an employee to carry or keep water and drink, as needed, in or nearby the employee's work area;
- Allowing an employee to take additional restroom breaks, as needed;
- Allowing an employee whose work requires standing to sit, and vice versa, as needed;
- Allowing an employee to take breaks, as needed, to eat and drink

**Additional reasonable accommodations** that do not require medical documentation include but are not limited to:

- Changing a uniform or dress code or providing safety equipment that fits;
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time;
- Telework;
- Temporary reassignment;
- Temporary suspension of one or more essential functions of a job;
- Leave for health care appointments;
- Light duty or help with lifting or other manual labor

**Examples of reasonable accommodations** that may require medical documentation include:

- Leave to recover from childbirth;
- Other medical conditions related to pregnancy or childbirth, including but not limited to, infertility and fertility treatment, high blood pressure, menstruation, use of birth control, and termination of pregnancy, including miscarriage.

Please note, these lists provide some examples; many other reasonable accommodations may exist. Also, a worker may need different accommodations at different times during the pregnancy, childbirth, or related medical condition. Ensure accommodations are put in place **without unnecessary delay**.

## **Resources**

If you have questions or concerns with an accommodation request, please contact your Human Resource Business Partner for guidance.

PWFA requests that may require medical documentation or require additional review can be submitted to [PWFA Accommodation Request](#) for review and evaluation. An HR representative will reach out to the employee within 48-72 hours of the request being submitted.