

The New World of Pregnancy Accommodations

Abigail M. Madrigal

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Pregnant Workers Fairness Act

- Provide reasonable accommodations to qualified employees or applicants who are knowingly limited due to pregnancy, childbirth, or a related medical condition
- As long as the employee is qualified, the employer must grant the requested accommodation or an equally effective accommodation, unless doing so would impose an undue hardship

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The PWFA – What is Not New?

- Coverage – 15 or more employees
- Charge filing (as of June 2023)
- Limitations on compensatory and punitive damages
- Damages limited if employer makes good faith effort to reasonably accommodate
- Interactive process and reasonable accommodations



Who is Covered

Qualified employees or applicants:

- Can perform the essential functions of the employment position with or without reasonable accommodation

But wait...



Who is Covered

- Cannot perform one or more essential functions but:
 - The inability to perform is temporary;
 - The essential job function can be performed in the near future; and
 - The inability to perform can be reasonably accommodated



Who is Covered

- Temporary: lasting for a limited time, not permanent, may extend beyond in the near future
- In the near future : generally 40 weeks from the start of the temporary suspension of an essential function

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