The New World of Pregnancy Accommodations

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Pregnant Workers Fairness Act

- Provide reasonable accommodations to qualified employees or applicants who are <u>knowingly</u> limited due to pregnancy, childbirth, or a related medical condition

- As long as the employee is qualified, the employer must grant the <u>requested accommodation</u> or an <u>equally effective accommodation</u>, unless doing so would impose an <u>undue hardship</u>

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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

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Who is Covered

Qualified employees or applicants:

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

But wait…

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Who is Covered

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

Who is Covered

- <u>Temporary:</u> lasting for a limited time, not permanent, may extend beyond in the near future

- <u>In the near future</u> : generally 40 weeks from the start of the temporary suspension of an essential function

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Also available as part of the eCourse
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