

The New World of Pregnancy Accommodations

Abigail M. Madrigal

31st Annual Labor and Employment Law Conference

May 30, 2024, Austin, Texas

© All Rights Reserved Schmoyer Reinhard LLP

0



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

1

1



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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: The New World of Pregnancy Accommodations

First appeared as part of the conference materials for the
31st Annual Labor and Employment Law Conference session
"The New World of Pregnancy Accommodations"