

Reasonable accommodations for pregnancy-related conditions Effective June 27, 2023.

**The law protects those who work for private or public sector employers with 15 employees or more.*

Under the **Pregnant Workers Fairness Act**, XXXX *(company) will be required to provide reasonable accommodations to employees and applicants with known temporary limitations on their ability to perform the essential functions of their jobs based on a physical or mental condition related to pregnancy, childbirth, and related medical conditions.

Please note that, while the ADA requires an employee to be able to perform the “essential functions” of their position, with or without accommodation, the PWFA temporarily excuses pregnant workers from the essential functions of their jobs in certain circumstances as a reasonable accommodation.

Specifically, employees and applicants may be excused from performing an essential job function if:

- (a) the inability to perform an essential function is temporary
- (b) the essential function could be performed in the near future, and
- (c) the inability to perform the essential function cannot be reasonably accommodated.

Given this change, you may consider either creating a new process to follow when employees request an accommodation due to pregnancy-related limitations. If we do not want to create a new process, I suggest we clarify for employees that the process for requesting an accommodation due to pregnancy-related limitations is the same as requesting an ADA accommodation.

Lactation rooms

The PUMP for Nursing Mothers Act expands existing employer obligations under the Fair Labor Standards Act (FLSA) to provide all employees (not just non-exempt employees) with reasonable break time to express breast milk for the employee’s nursing child for one year after the child’s birth. The employer obligation to provide a place to express milk shielded from view and intrusion from coworkers and the public (other than a bathroom) continues.

This right is available for up to one year after the child’s birth.