



Unified Government Human Resources Guide

Effective 06-27-23

PREGNANT WORKER FAIRNESS ACT POLICY

- I. General: In accordance with the Pregnant Worker Fairness Act, The Unified Government will provide reasonable accommodation to applicants and employees who are pregnant and/or who has a childbirth or pregnancy related medical condition. No individual will be discriminated against on the basis of pregnancy or related medical conditions in relation to the terms and conditions of employment.
- II. Reasonable Accommodation
 - A. The Unified Government will provide a reasonable accommodation to an employee or job applicant who is pregnant and/or who has a childbirth or pregnancy related medical condition.
- III. The Unified Government will make an individualized assessment of whether a qualified individual who is pregnant or who has a related medical condition meets the selection criteria for employment. To the extent the Unified Government's selection criteria have the effect of disqualifying an individual because of pregnancy, those criteria will be job-related and consistent with business necessity, barring in mind the temporary nature of pregnancy and the potential need to temporarily remove the essential functions of a position.
 - A. Upon request, the Unified Government will provide a reasonable accommodation to an employee or job applicant who is pregnant or has a related medical condition, unless doing so would cause the Unified Government undue hardship (significant difficulty or expense). No department has the authority to determine whether a reasonable accommodation causes an undue hardship. Determination of undue hardship is made by the Human Resources Department, Legal Department and County Administration.
 1. Reasonable accommodations may include making facilities readily accessible and usable; job restructuring to include temporarily removing the essential functions of a position; modifying work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies etc.
 - B. Pregnant employees or those with pregnancy or childbirth related medical conditions who believe they need a reasonable accommodation should notify their supervisor, department head or Human Resources.
- IV. Medical Documentation
 - A. To the extent possible, the employee will be utilized as the source of information to help determine the reasonable accommodation based on the nature of their pregnancy/medical



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condition. In cases whereby the need for an accommodation is not readily apparent and/or the requested accommodation is particularly complex and/or not easily achieved, Human Resources must be contacted to work with the employee and the employee's medical provider through an interactive process.

- B. The Human Resources department is the only authorized staff to seek medical documentation. This documentation will not be maintained in the employee's personnel file and is considered confidential.

V. Complaint procedure

- A. Individuals who believe that they have been discriminated against in violation of this policy or believe they have not been adequately accommodated should follow the procedure set forth in 2.2 Harassment in the Workplace.
- B. Unified Government supervisors and members of management who become aware of discrimination or denial of an accommodation in accordance with this policy shall report the violation to the Director of Human Resources within 24 hours.

I. Enforcement and Discipline

- A. All management employees are responsible for enforcing this policy. A management employee who fails to enforce this policy is subject to discipline, up to and including termination.
- B. An employee who violates this policy is subject to discipline, up to and including termination.

Related polices:

- 2.1 Equal Opportunity in Employment
- 2.2 Harassment in the Workplace
- 2.17 Americans with Disability Act
- 2.19 Break Time for Nursing Mothers
- 5.6 Family and Medical Leave Act