

Mid-Year 2024: Accommodations

July 24, 2024

Buoyed by court decisions and legislative acts, employee accommodation requests are expanding at unprecedented levels. Each broad type of accommodation request has its own governing standard, and none is currently more different than the Pregnant Workers Fairness Act. Knowing the basic principles underlying the PWFA and understanding its distinctions can help employers manage pregnancy-related accommodation requests and compliance obligations more effectively.

PWFA

EEOC final rule effective 06.18.24

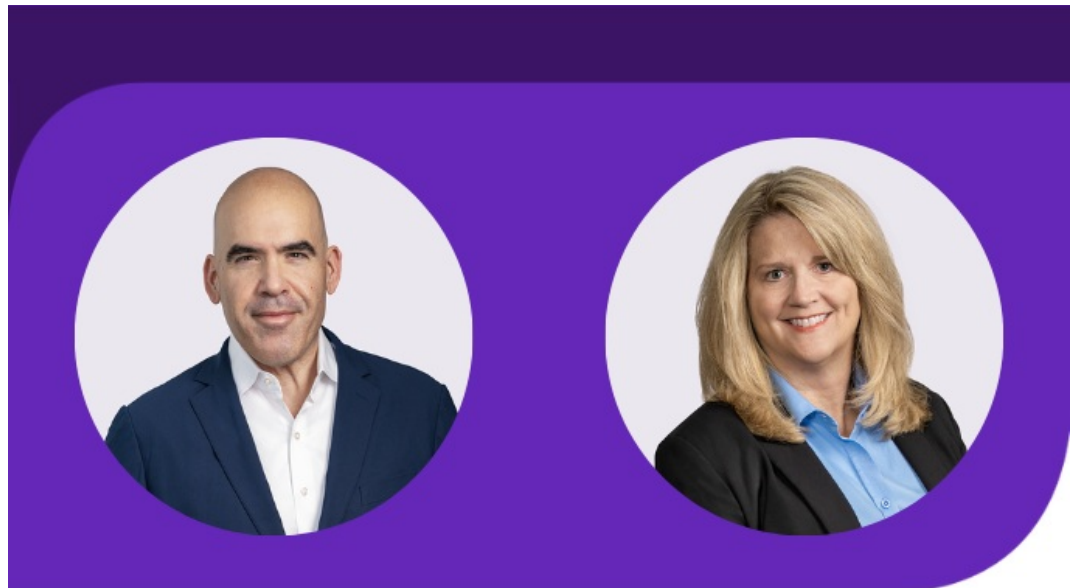
The EEOC's text of its final rule and interpretative guidance implementing the Pregnant Workers Fairness Act appeared in the April 19, 2024 Federal Register — almost 10 months after the legislation went into effect — and became effective 60 days later. Although largely unchanged from the proposed regulations, which received more than 100,000 public comments, including from Jackson Lewis, the final regulations provide important clarifications and insights into how the EEOC will enforce the law.

Summary

The PWFA and the EEOC's final rule require employers (including state government employers) with at least 15 employees to “provide **reasonable accommodations** to a **qualified employee's** or applicant's known limitations related to, affected by, or arising out of **pregnancy, childbirth, or related medical conditions**, unless the accommodation will cause an **undue hardship** on the operation of the business of the covered entity.”

Federal Register: Implementation of the Pregnant Workers Fairness Act

Pregnant Workers Fairness Act Final Regulations Released



Hosts: **Joseph J. Lynett** and **Katharine C. Weber**, Principals and Disability, Leave and Health Management Co-Leaders

Pregnancy Accommodations and the PWFA's Final Regulations — Your Questions Answered

Podcast

“The one big knockout punch we found is that the EEOC really has no use for our trying to use our ADA medical questionnaires and our typical ADA forms and processes to comply with the PWFA. They really do envision that we’re going to handle these PWFA requests in a different manner.”

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Key employer takeaways

- Review the final regulations and examples.
- Remember: If another federal, state or local law provides greater protection or different requirements, those laws will also apply.
- Review your policies and procedures; evaluate your forms carefully.
- Be careful of what you request: Some state and local laws limit when medical information can be requested to support a pregnancy-related accommodation request.
- Consider training your HR team, managers, first-line supervisors and others.
- Document!

Related readings



Pregnant Workers Fairness Act Final Regulations Released



EEOC VC Samuels' Keynote at Workplace Horizons Addresses PWFA, AI, Muldrow & More



Scope of Accommodations Required Under PWFA Narrowed in Louisiana and Mississippi



Congress Violated U.S. Constitution When It Passed Pregnant Workers Fairness Act, Texas Court Rules



Life Sciences and Real-World Accommodation Scenarios




Navigating Disability, Pregnancy and Religious Accommodation Requests



Mid-Year 2024: Now + Next

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