

Live from Workplace Horizons 2025: The New Bermuda Triangle — Managing Pregnancy and Lactation from PWFA and PUMP to State and Local Regulations

By Jenifer M. Bologna & Corey Donovan Tracey

June 10, 2025

Meet the Authors



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Related Services

Pregnant Workers Fairness Act
and PUMP for Nursing Mothers
Act

Details

June 10, 2025

Welcome to a special edition of We get work®, recorded live from Workplace Horizons 2025 in New York City, Jackson Lewis' annual Labor and Employment Law Conference. Over 500 representatives from 260 companies gathered together to share valuable insights and best practices on workplace law issues impacting their business today. Here's your personal invitation to get the insights from the conference, delivered directly to you.



Transcript

INTRO

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CONTENT

Alitia Faccione

Senior Director, Business Development

Good morning, and welcome to Live from Workplace Horizons, the We get work® podcast studio here at the conference this week. I'm sitting here with Jen Bologna, principal in the White Plains office of Jackson Lewis, and Corey Tracy, principal in the Cleveland office of Jackson Lewis. I know it's been a long conference and it's early this morning, so thank you for joining us. If you'd just take a few minutes to introduce yourselves and tell us a little bit about what you do. I'll start with you, Corey.

Corey Tracey

Principal, Cleveland

Yes, I'm principal in our Cleveland office, as you mentioned. I've been practicing with Jackson Lewis since 2009. The focus of my practice is primarily advice and counsel in a variety of areas. One of my focus areas is disability leave and health management, which we spoke about at our presentation at the conference. I practice in a variety of other areas as well.

Jenifer Bologna

Principal, White Plains

It's great to be here this morning. My practice is primarily advice and counsel as well. I'm in Jackson Lewis' Disability Leave and Health Management Group, as well as our National Compliance and Multi-State Solutions Group. My practice is primarily advising attorneys on those.

Faccone

Terrific. The title of your presentation was 'The New Bermuda Triangle: Managing Pregnancy and Lactation from PWFA and Pump to State and Local Regulations.' I know that's a lot, but I think that's because there's a lot in this practice right now. Can you tell us a little bit about what your session covered?

Tracey

Absolutely. We talked about the fact that when we used to talk about the Bermuda Triangle, we were always talking about things like FMLA, ADA and workers' comp and how those all had an interplay. Now, with the advent of laws at the federal level, such as the Pregnant Worker Fairness Act and the PUMP Act, we have a new Bermuda Triangle, which is what we covered. We talked about those two federal laws, what they require of employers, how to deal with that and a lot of the practical aspects of that. Then, we also wove in the different state and local laws that also come into play when we're dealing with pregnancy and lactation accommodation laws at the state and local level.

Faccone

Yes, a lot. Jen, how did Corey and you decide what to cover in your presentation? How did the audience react? What issues really resonated with them? What did they want to know?

Bologna

We ran through the parameters of the federal laws as well as a high-level look at the state laws. One of the things, as Corey said, that changed the landscape is the Pregnant Workers Fairness Act. Mostly because, under the Pregnant Worker Fairness Act, unlike the ADA, an employer has to consider accommodations that would remove essential job functions. That's really difficult for employers. As we were running through the materials, the audience was asking a lot of questions about how to know what would be an appropriate accommodation. They asked a lot of questions about documentation that would support those requests for accommodation, particularly those that would remove essential job functions or require remote work. We spent a lot of time talking about that. Under the Pregnant Worker Fairness Act, there are real limitations on the type of documentation an

employer can have. We really dove deep into what kind of documentation an employer can get.

Facone

I know last year, when we met together for the conference, the PWFA was just getting released, and there was a lot of uncertainty. A year later, Corey, what did you tell our clients and contacts about what they should expect, what they should do? What were some of the key takeaways you provided?

Tracey

Well, certainly, as you noted, a year later, there have been developments as far as litigation and actions by the EEOC. We wanted to make sure the attendees at the conference understood where we were and where we've come since then, and what we're seeing. Then also, of course, with the change in administration and change in leadership at the EEOC, it was important to talk about where we see this going in the future, the enforcement of the Pregnant Workers Fairness Act, what that's likely to look like and what changes we might see in the regulations. That was important for us to share with the conference attendees so they'd know what to look forward to on the horizon.

Facone

Jen, how is Jackson Lewis helping our clients and employers wade through all these issues, new regulations and the possibility of litigation?

Bologna

One of the things we offer, in terms of multi-state support, is the LeaveSuite, which provides guidance on these areas from a multi-state perspective. As Cory mentioned earlier, it's not just the federal laws we're dealing with. We have a lot of state issues. If you're missing these state issues, you could be missing a very big issue, as you're administering this pregnancy and lactation request.

Facone

A great combination. We have products that help, and we have partners that help. And together we form a partnership with our clients. Jen, Corey, thank you so much for joining us in the podcast studio this morning and enjoy the rest of the conference.

OUTRO

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