

ACCOMMODATION OF PREGNANCY AND RELATED MEDICAL CONDITIONS - PERSONNEL

A. Policy Purpose.

This policy is intended to help District employees receive the accommodations related to pregnancy and related conditions to which they are entitled under the Pregnant Workers Fairness Act (PWFA) regarding pregnant employees and employees with pregnancy related conditions, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) and Board Policy AC.

B. Definitions.

1. Pregnancy.

Under the PWFA, “pregnancy” and “childbirth” refer to the pregnancy or childbirth of the specific employee in question and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

2. Related Medical Conditions.

“Related medical conditions” are medical conditions relating to the pregnancy or childbirth of the specific employee in question. This includes prenatal/antenatal, and postpartum medical conditions, as well as lactation and related conditions. See Policy ACN for lactation accommodations.

3. Reasonable Accommodations.

A “reasonable accommodation” for purposes of this policy and the PWFA is an accommodation that “seems reasonable on its face, i.e., ordinarily or in the run of cases, is “feasible,” or “plausible.” Reasonable accommodations with respect to pregnancy or related conditions may include such items as:

- a. frequent breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, using the restroom, or expressing breast milk in an appropriate lactation space (as described in Policy ACN);
- b. schedule changes or intermittent absences to attend medical appointments;
- c. changes in physical space or supplies (for example, access to a larger desk or a footrest);
- d. leave;
- e. avoiding exposure to certain chemicals;
- f. telework;
- g. access to reserved parking;
- h. elevator access; or
- i. other changes to policies, practices, or procedures.

C. Interactive Process and Reasonable Accommodation.

Any employee who is pregnant or who has a related medical condition (the “Employee”) is encouraged to communicate a need for reasonable accommodation to the District by notifying [the Principal, Human Resources, or the Employee’s supervisor]. Once the District is so notified, the District will engage in an interactive process with the Employee in order to make reasonable accommodation for the Employee’s known limitations. The District shall implement such reasonable accommodation without unnecessary delay. If appropriate, the District may implement an interim reasonable accommodation while determining how best to make a reasonable accommodation.

The District shall not require the Employee to accept any accommodation or to take leave, nor will the District deny employment opportunities to the Employee or take any adverse action against the Employee because of the Employee’s need for, request of, or use of reasonable accommodation(s).

The District shall not retaliate against, coerce into, dissuade from, or otherwise act against any person for seeking reasonable accommodation or assisting another in seeking reasonable accommodation as described in this policy.

If the Employee refuses a reasonable accommodation offered by the District and, as a result, is unable to perform the essential functions of the job, and there are no alternative reasonable accommodations, the District may have satisfied its obligation to make reasonable accommodation.

D. Leaves of Absence to Attend Medical Appointments for Childbirth, Postpartum Care, and Infant Pediatric Medical Appointments.

To the extent required by RSA 275:37-f e.g., number of employees, maximum leave, etc.), the School District provides eligible employees with unpaid leave to attend certain medical appointments related to childbirth and the care of a young child.

The leave provided under this Section D begins with the birth or adoption of a child and is in addition to Family Leave as provided under the Family Medical and Leave Act (FMLA).

Employees are permitted to take up to a total of twenty-five (25) hours of leave during the first year following the birth or adoption of a child for the following purposes:

1. The employee's own medical appointments related to childbirth, or postpartum care; and/or
2. The employee's child's pediatric medical appointments.

When both parents of a child are employed by the District, the parents shall only be entitled to a combined total of no more than twenty-five (25) hours of leave for such purposes during the child's first year following birth or adoption.

Leave provided under this policy shall be unpaid. However, and consistent with any applicable collective bargaining agreement or individual contract, employees may elect to substitute any accrued vacation leave or other appropriate and available paid leave concurrently with leave taken under this Section D.

An employee who takes leave under this policy shall be restored to the same position held prior to the leave, or to an equivalent position with equivalent pay, benefits, and terms and conditions of employment.

Employees requesting leave under this Section D shall provide reasonable advance notice to the District and shall make a reasonable effort to schedule appointments so as to minimize disruption to District operations.

E. Supporting Documentation.

The District will only seek reasonable documentation supporting the Employee's need for accommodation due to pregnancy or a related medical condition when such documentation is necessary to determine reasonable accommodation and/or the expected duration of the need.

The District will not seek supporting documentation when the need is obvious or already known. For example, a need for more frequent restroom breaks for a pregnant employee is obvious and, once the Employee has notified the District of the Employee's pregnancy, the District would not require documentation supporting the

ongoing need for more frequent restroom breaks.

F. Reports or Complaints.

Reports or complaints of violations of this policy should be made according to the Grievance Procedure found in policy ACAC.

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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Pregnant Workers Fairness Act ("PWFA")

42 U.S.C. 2000gg

Pregnant Worker Fairness Act ("PWFA")

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