



Pregnant Workers Fairness Act (PWFA)

Signed into law December 29, 2022. Effective and enforceable June 27, 2023

What is PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that requires a covered entity, like Poudre School District (District), provide reasonable accommodation(s) to a qualified employee or applicant with a known limitation related to pregnancy, childbirth, or related medical condition(s).

- A **qualified employee** means an employee or applicant who, with or without reasonable accommodation(s), can perform the essential functions of their position.
- A **reasonable accommodation** is a change, or changes, to the work environment or modification(s) to the way things are usually done that does not create an undue hardship on the employer. An example could be offering more flexibility with break time to allow a pregnant employee to eat, drink, or rest.
- An **undue hardship** is defined as causing significant difficulty or expense to the employer.

What are the rights and responsibilities of employees and applicants?

An employee or applicant seeking accommodation under the PWFA **must initiate the request for accommodation**, either verbally or in writing. If the employee makes the request to a direct supervisor, office manager or site administrator, please forward the request and/or direct the employee to Calley Teisl (contact information follows).

Unlike the PUMP Act, the **interactive process** under the PWFA should be managed at a District level, like our interactive process under the Americans with Disabilities Act (ADA).

The employee or applicant requesting accommodation(s) will work directly with the District to provide medical documentation, engage in the interactive process, and implement any accommodation(s) determined to be reasonable and actionable.

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What are the rights and responsibilities of the employer?

As office managers, supervisors and administrators, it is your responsibility to recognize an accommodation request and respond in a timely manner.

- It **is not** your responsibility to determine if the employee has a qualifying condition under the PWFA or implement accommodations.
- It **is** your responsibility to contact Risk Management ADA Specialist Calley Teisl (cteisl@psdschools.org, ada@psdschools.org, or 970-490-3205) to notify the District that an accommodation request has been made.
- It **is** your responsibility to ensure confidentiality and respect for employee privacy, asking only if the accommodation request is based on a known limitation related to pregnancy, childbirth, or related medical condition(s). The employee may disclose what their limitation or medical condition is, **but you cannot ask**.
- It **is not** your responsibility to provide any accommodation(s) if an employee has not requested them AND worked through the interactive process with the District.

If the employee and/or their direct supervisor have any questions or concerns regarding the PWFA or would like to request accommodations and initiate the interactive process under the PWFA, they should contact Calley Teisl (cteisl@psdschools.org, ada@psdschools.org, or 970-490-3205).