

Human Resources Policy

Commonwealth of Pennsylvania
Office of Administration

Pregnant Workers Fairness Act

Number

HR-EEO001

Effective Date

June 27, 2023

Category

Equal Employment Opportunity

Supersedes

None

Contact

717.783.1130

Scheduled Review

June 2024

1. Purpose

To establish a Commonwealth-wide policy that implements the Pregnant Workers Fairness Act (PWFA), 42 U.S.C. §§ 2000gg-2000gg-6.

2. Scope

This Human Resources Policy (HRP) applies to all departments, offices, boards, commissions, and councils under the Governor's jurisdiction for human resources management (collectively "agencies").

3. Background

The PWFA is a federal law that requires covered employers to engage in an "interactive process" with a qualified employee or applicant, to determine whether "reasonable accommodations" can be made "to the known limitations related to the pregnancy, childbirth, or related medical conditions" of the employee or applicant. Under the PWFA, covered employers are required to provide a qualified employee or applicant with reasonable accommodations unless the accommodations would cause an "undue hardship." An accommodation is considered an "undue hardship" where it causes significant difficulty or expense for the employer.

The determination of what may be considered a reasonable accommodation is dependent on the specific situation presented.

Several examples of possible reasonable accommodations include: the ability to sit or drink water; flexible work hours; appropriately sized uniforms and safety apparel; and additional break time to use the bathroom, eat, and rest.

The PWFA expressly prohibits a covered employer from:

- a.** Denying employment opportunities to a qualified employee or applicant, if such denial is based on the need of the covered employer to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee or applicant;
- b.** Requiring a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or
- c.** Taking an adverse action against a qualified employee or applicant, related to the terms, conditions, or privileges of employment, due to the employee or applicant requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee or applicant.

4. Policy

- a.** The Commonwealth, as an equal opportunity employer, is committed to engaging in the interactive process and to providing reasonable accommodations to eligible employees or applicants with known limitations related to pregnancy, childbirth, or related medical conditions. In addition, the Commonwealth is committed to ensuring that job applications, examinations, interview procedures, training, job assignments, selection procedures, and promotion processes do not adversely affect or tend to adversely affect an eligible employee or applicant with known limitations related to pregnancy, childbirth, or related medical conditions.
- b. **HR Staff Supporting Agencies** shall:**

 - (1)** Ensure that all requests for a reasonable accommodation pursuant to the PWFA are timely referred to the Office of Administration (OA), Equal Employment Opportunity Office (EEOO), Bureau of Equal Employment Opportunity Policy and Appeals (BEEOPA) for review, treated in a confidential

manner, and kept separate from a requesting employee's official personnel file consistent with Commonwealth policy.

- (2) Provide information related to the provisions of this policy, including the process for requesting reasonable accommodations to all Commonwealth employees and, upon request, to applicants for Commonwealth employment.
- c. Any qualified employee or applicant who has a known limitation related to pregnancy, childbirth, or related medical conditions may seek a reasonable accommodation by contacting OA, EEO, BEEOPA by one of the following methods:

 - (1) Online – access [Employee Self Service](#) and select “Create Accommodation/Religious Request”;
 - (2) Email – submit the request to RA-OABEEO@pa.gov; or
 - (3) Phone – call OA, EEOO at 717.783.1130
- d. All accommodation requests submitted pursuant to the PWFA will be processed by OA, EEOO in the same manner as those submitted pursuant to the Americans with Disabilities Act under Management Directive 205.25 Amended, Disability-Related Employment Policy.

Nothing in this HRP shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency, or the head thereof. This HRP is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents or any other person.

Should you have any questions or require additional assistance related to the implementation of this policy, please contact OA, EEOO at 717.783.1130 or RA-OABEEO@pa.gov.

5. Effective Date

The Effective Date of this HR Policy is June 27, 2023.

6. Related References

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HR Policies are published on the [Office of Administration's public portal](#).

7. Publication Version Control

It is the user's responsibility to utilize the latest version of this publication, which appears on the [OA Human Resources website](#) for Commonwealth personnel and on the Office of Administration public portal. Questions regarding this publication are to be directed to 717.783.1130.

This chart contains a history of this publication's revisions:

Version	Date	Purpose of Revision
Original	6/27/2023	Base Document