

CITY OF CLEVELAND
Human Resources Policies and Procedures
Benefit Policies

PREGNANT WORKERS FAIRNESS ACT (PWFA) POLICY

I. Pregnancy Workers Fairness Act, General Statement

- A. This Policy is based on the Pregnant Workers Fairness Act (PWFA) new law that requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”
- B. The PWFA applies only to accommodations. Existing laws that the EEOC enforces make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions.
- C. The PWFA does not replace federal, state, or local laws that are more protective of workers affected by pregnancy, childbirth, or related medical conditions.
- D. Accordingly, the City of Cleveland will provide “reasonable accommodations” to a qualified employee with a known limitation related to pregnancy, childbirth, or related medical conditions, absent an “undue hardship.”
- E. An employee may request an accommodation to enable them to perform the essential functions of their current position or to accommodate a disability to enable the employee to enjoy the benefits and privileges extended to all employees.

II. Accommodations Review

- A. If an employee is unable to perform the essential functions of their position, the employee may submit a Request for Accommodation form to the appointing authority with supporting documentation. (See form attached).
- B. The Request for Accommodation form along with supporting medical documentation will be reviewed by the Department of Human Resources, Employee/Labor Relations.

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- C. When it has been determined that an employee is qualified under the PWFA, the Department of Human Resources will direct the employee's department or division concerning the accommodation to be provided.
- D. Under the PWFA, an employee who cannot do one or more essential functions of a job will also be considered qualified if:
1. Any inability to perform an essential function is for a temporary period;
 2. The essential function could be performed in the near future; and
 3. The inability to perform the essential function can be reasonably accommodated.
 4. Examples of Reasonable Accommodations:
 - Flexible Breaks
 - Changing food or drink policies
 - Changing work locations or equipment
 - Changing the dress code
 - Flexible work station
 - Telework
 - Temporary Reassignment
 - Leave for appointments with health care professionals
 - Light duty
 - Leave to recover from childbirth
- E. Under the PWFA, the City of Cleveland cannot do the following:
1. Require an employee to accept an accommodation without a discussion regarding the accommodation between the employee and City;
 2. Deny a position or other employment opportunities to a qualified employee or applicant for employment based on the person's need for a reasonable accommodation;

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3. Require an employee to take leave if another reasonable accommodation can be provided that would permit an employee to keep working;
 4. Retaliate against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding (e.g. investigation);
or
 5. Interfere with any individual's rights under the PWFA.
- F. If the employee has a right under other laws such as FMLA, there may be no need for a reasonable accommodation.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

December 19, 2023 (**Effective: June 27, 2023**)

Date