

## **Frequently Asked Questions for Employees PREGNANT WORKERS FAIRNESS ACT (PWFA)**

### ***What is the Pregnant Workers Fairness Act (PWFA)?***

The PWFA is a federal law that is effective as of June 27, 2023. This law requires that employers, including NOVA, provide reasonable accommodations based on an employee's known limitations due to pregnancy, childbirth, or a related medical condition. This is set forth in NOVA's Policy 428.

### ***How am I protected under the PWFA?***

In addition to requiring employers to provide reasonable accommodations based on pregnancy, childbirth, or a related medical condition, the PWFA also contains specific prohibitions, including:

- Requiring an employee to accept an accommodation without engaging in an interactive discussion about the accommodation with the employee;
- Denying a job or other employment opportunities to a qualified employee or applicant based on the person's need for a reasonable accommodation;
- Requiring an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working;
- Retaliating against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding; or
- Interfering with any individual's rights under the PWFA.

### ***If I already have approved workplace accommodations, do I need to seek accommodations under Policy 428/PWFA?***

You are never under an obligation to seek accommodations. However, if needed, the standards for an accommodation under the PWFA for employee's known limitations due to pregnancy, childbirth, or a related medical condition varies from those under the ADA for accommodations. Even if you have other approved accommodations (related to a medical condition or disability), if you are in need of accommodations specifically related to pregnancy, childbirth, or a related condition, then please seek those under this policy.

### ***What should I do if I am experiencing limitations due to pregnancy, childbirth, or a related medical condition? Do I need to give my supervisor a doctor's note?***

If you require accommodations (modifications to the job, environment, policy, or practice), in order to manage those limitations, you should contact the ADA Coordinator. The ADA Coordinator is responsible for facilitating the process for PWFA accommodation requests. You can contact the ADA Coordinator via email at

[ADA@nvcc.edu](mailto:ADA@nvcc.edu).

You should **not** provide your supervisor with any medical documentation. However, during the PWFA process, you may be asked to provide additional information, including clarification about your limitations, and may be asked to provide supportive records from a medical provider to the ADA Coordinator.

***What happens during the PWFA accommodation request process?***

The ADA Coordinator will work with you to understand any limitations you are experiencing due to pregnancy, childbirth, or a related medical condition. This may include asking you to provide additional clarification or a note from a medical provider, if needed. The ADA Coordinator will then identify what accommodations may be effective or appropriate based on the limitations shared.

The ADA Coordinator will then contact your supervisor to discuss the requested accommodations and how they impact the unit, its operations, and other considerations. Based on this information, the ADA Coordinator will help determine what, if any, reasonable accommodations must be provided to you under the PWFA and will notify you and your supervisor of such.

At any time, you or your supervisor can contact the ADA Coordinator if there are questions or concerns about the accommodations provided. This can include questions about needing to identify new accommodations or modify the existing arrangement.

***How does the College decide which accommodations to give me under the PWFA?***

The PWFA requires that the College provide “reasonable accommodations.” What is reasonable will depend on the specific accommodations requested and how those accommodations impact your department, department operations, and other considerations that would qualify as an undue hardship on the College. It is a decision that is made on a case-by-case basis, taking into account all relevant information.

***What kind of accommodations can I ask for under the PWFA?***

An accommodation is a modification to the job, the environment, policy, or practice which will address the limitations you are experiencing due to pregnancy, childbirth, or a related medical condition. Therefore, what accommodations you may need will be based on your individual experience and position. The ADA Coordinator will work with you to understand your limitations, how those limitations arise within your role, and then brainstorm potential accommodations that might effectively address those limitations. You should let the ADA Coordinator know if you have ideas for potentially effective accommodations. Similarly, the ADA Coordinator will also identify effective alternatives that may be considered.

***What if I no longer wish to request accommodations under the PWFA? Do I need to get a doctor’s note clearing me to return without restrictions?***

You may withdraw your request for PWFA accommodations at any time. This typically will not require you to submit a medical note clearing you to resume work without accommodations.

Accommodations offered under the PWFA are temporary and tied to your qualifying status under Policy 428. If you need accommodations un-related to Policy 428, please contact the ADA Coordinator to understand other workplace accommodation options.

***Who do I contact about other NOVA benefits relating to pregnancy?***

NOVA's Benefits team can provide helpful information about benefits and resources relating to pregnancy. You can contact them at [Benefits@nvcc.edu](mailto:Benefits@nvcc.edu).

***Who should I contact with any additional questions regarding the PWFA or accommodations for pregnancy, childbirth, or a related medical condition?***

Any questions or concerns can be directed to the ADA Coordinator at [ADA@nvcc.edu](mailto:ADA@nvcc.edu).