



TOWN OF ERVING

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ADM-150

Policy

Pregnant Workers Fairness Act Policy

Approved: _____

Select Board Chair, Jacob A. Smith

Date: November 28, 2022

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.01 Issue Date / Effective Date

This policy is issued and effective on November 28, 2022.

.02 Purpose

This Policy outlines the process for requesting and receiving reasonable accommodations in accordance with Massachusetts Pregnant Workers Fairness Act (PWFA), M.C.L. c. 151B, § 4(1E).

.03 Reasonable Accommodations

An employee working for the Town of Erving may be entitled to a reasonable accommodation with respect to pregnancy and/or any condition resulting from pregnancy, including but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation, so that the employee may perform the essential functions of the job, unless the requested accommodation would cause an undue hardship on the Town. Such accommodations may include, for example:

- more frequent or longer paid or unpaid breaks;
- time off to attend to a pregnancy complication or recover from childbirth, with or without pay;
- acquisition or modification of equipment or seating;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring and/or modified work schedule;
- light duty and/or assistance with manual labor;
- and private non-bathroom space for expressing breast milk.

The Town of Erving may request documentation from the employee's health care or rehabilitation professional about the need for a reasonable accommodation, except in the cases of requests for: more frequent restroom, food or water breaks; seating; limits on lifting more than 20 pounds; and private non-bathroom space for expressing breast milk. An "appropriate health care or rehabilitation professional" shall include, but not be limited to, a medical doctor, including a psychiatrist, a psychologist, a nurse practitioner, a physician assistant, a psychiatric clinical nurse specialist, a physical therapist, an occupational therapist, a speech therapist, a vocational rehabilitation specialist, a midwife, a lactation

consultant or another licensed mental health professional authorized to perform specified mental health services.

The Town may also require documentation for an extension of the accommodation beyond the originally agreed to accommodation.

.04 Requesting a Reasonable Accommodation

Requests for reasonable accommodation under, the Pregnant Workers Fairness Act, should be made to the Town Administrator's Office in person, by phone at (43) 422-2800 ext. 1102, or by email at administrator@erving-ma.gov.

The Town will engage in a timely, good faith and interactive process with the employee to determine an effective, reasonable accommodation. The accommodation will be provided unless it creates an undue hardship.

The Town encourages employees who believe they need a reasonable accommodation for their pregnancy, or a condition related to pregnancy to come forward and request a reasonable accommodation.

.05 Non-Discrimination Statement

The Town will not take any adverse or retaliatory action against an employee who requests or receives an accommodation under this Policy of the law. Under the PWFA, employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy, including but not limited to lactation or the need to express breast milk for a nursing child, as well as rights to reasonable accommodations as identified above, and a right not to be retaliated against for exercising their rights under the PWFA.

Notice of the Pregnant Workers Fairness Act Policy

The Town of Erving (the “Town”) is committed to complying with all applicable provisions of the Massachusetts Pregnant Workers Fairness Act. It is the Town’s policy not to discriminate against any employee based on pregnancy or a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodation(s) for an employee’s pregnancy, or any condition related to the employee’s pregnancy, unless such an accommodation would impose an undue hardship on the Town.

Employees who believe they need a reasonable accommodation for their pregnancy, or a condition related to pregnancy, including but not limited to, lactation or the need to express breast milk for a nursing child, should contact the Town Administrator. The Town encourages such employees to come forward and request a reasonable accommodation.

Acknowledgment of Receipt of Notice of the Pregnant Workers Fairness Act Policy

I acknowledge receipt of this *Notice of the Pregnant Workers Fairness Act Policy* from the Town and I have read its contents.

Employee’s Name (Please Print)

Employee’s Signature

Date

This signed Acknowledgement is to be returned to the Town Administrator within five (5) business days after receipt of this Notice.