



# MANAGER MINUTE

MAY 17, 2023

PUMP & PREGNANT WORKERS FAIRNESS ACT

ISSUE 07



## PUMP & PWFA

Congress recently passed two pregnancy-related acts:

- **Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP)**
  - Effective Date. December 29, 2022; Remedies take effect April 28, 2023
- **Pregnant Workers Fairness Act (PWFA)**
  - Effective Date. June 27, 2023 (EEOC guidance expected)

Expands workplace protection for employees and prohibits employment practices that discriminate against making reasonable accommodations for qualified employees affected by pregnancy, childbirth, or related medical conditions.

## WHAT IS CHANGING UNDER PUMP?

- All employees are covered and must be paid if they do any work during their lactation breaks
- Breaks for lactation purposes cannot be denied
- The number of lactation-related breaks and the actual time spent on break, are required to be reasonable and as-needed
- This protection is in place for up to 1 year after the birth of the child
- Lactation rooms:
  - Cannot be a bathroom
  - Can be a temporary location
- Major affiliate partners are covered by these regulations

## WHAT IS CHANGING UNDER PWFA?

- A pregnancy-related medical condition is no longer required for an individual to be considered to have a “disability.”
- Modified duty must be considered.
- A discussion between the manager and employee is required prior to an employee accepting an accommodation.
- Intent is to prevent women from being forced out on unpaid leave or out of their jobs.

## DOS AND DON'TS

- **DO NOT** ask employees if they are pregnant or assume an employee is pregnant.
- **DO** refer pregnant employees to the ADA process ([go.uth.edu/ability](http://go.uth.edu/ability)) in writing, if they request an accommodation.
- **DO** refer a pregnant employee who is seeking leave to the FML Coordinator.
- **DO** refer a pregnant employee who is seeking leave and is not eligible for FML to the ADA process.
- **DO NOT** deny teleworkers lactation breaks
- **DO** reach out to UTH Employee Assistance Programs for assistance in:
  - Providing an appropriate lactation space; or
  - Arranging access to a sink; or
  - Facilitating access to a storage device.
- **DO** contact Diversity & Equal Opportunity for assistance navigating aspects of lactation breaks related to frequency and duration.
- **DO NOT** unilaterally deny or grant accommodations related to pregnancy, childbirth, or a related medical condition.

## MOTHERS ON CAMPUS RESOURCES

- [Nursing Mother Rooms](#)
- [Progyny Fertility Benefits](#)
- [HOOP Policy 118 - Breast Feeding at the Work Site](#)
- [HOOP Policy 106 - Family Medical Leave](#)
- [HOOP Policy 107 - Parental Leave](#)

