

PREGNANT WORKERS FAIRNESS ACT

I. PURPOSE & SCOPE

In accordance with the Pregnant Workers Fairness Act, the City of Waltham does not discriminate on the basis of pregnancy and/or pregnancy-related conditions.

II. APPLICABILITY

This policy applies to all employees and prospective employees of the City of Waltham.

III. POLICY

The City will:

1. Upon request for an accommodation, engage with the employee in a timely, good faith and interactive process to determine an effective, reasonable accommodation to enable the employee to perform the essential functions of the employee's job or position while pregnant or experiencing a pregnancy-related condition, without undue hardship to the City;
2. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless to do so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the City significant difficulty or expense;
3. Not require a pregnant employee to accept a particular accommodation, or begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the City;
4. Not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition because of said pregnancy or pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation;
5. Not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition;
6. Not require medical documentation regarding the need for an accommodation for: - (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. However, the City may request medical documentation for other accommodations.
7. Provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy upon hire and no more than 10 days after notification to the City of a pregnancy or a pregnancy related condition.

IV. COMPLAINTS OF DISCRIMINATION

If you believe you have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the City. This may be done in writing or orally.

If you wish to file a complaint, you may do so by contacting the Human Resources Director at 781-314-3355, or visiting the office at 119 School Street, Waltham, MA 02451. The Director is also available to discuss any concerns you may have and to provide information to you about the policy and complaint process.

V. INVESTIGATION

When the City receives the complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. When the investigation is completed, the City, to the extent appropriate, will inform the person filing the complaint of the results of the investigation.

If it is determined that inappropriate conduct has occurred, the City will act promptly to correct the condition.

VI. RETALIATION

No retaliatory action will be taken against those persons who file complaints of discrimination or against individuals who cooperate in such investigations.

VII. DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by an employee, the City will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as it deems appropriate under the circumstances.

VIII. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to discrimination, you may file a formal complaint with either or both government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

[The United States Equal Employment Opportunity Commission](#) ("EEOC")

(800) 669-4000

[The Massachusetts Commission Against Discrimination](#) ("MCAD")

(617) 994-6000

March 30, 2018