

**LSU HEALTH CARE SERVICES DIVISION  
PREGNANT WORKERS FAIRNESS ACT**

**POLICY NUMBER**            4571-23

**CATEGORY:**                Human Resources

**CONTENT:**                 Pregnant Workers Fairness Act (PWFA)

**APPLICABILITY:**        This policy is applicable to all employees, both classified and unclassified, of the Health Care Services Division Administration (HCSDA) and Lallie Kemp Medical Center (LKMC).

**EFFECTIVE DATE:**        July 11, 2023

**INQUIRIES TO:**            Human Resources Administration  
Health Care Services Division  
P.O. Box 91308  
Baton Rouge, LA 70821-1308

**Note: Approval signatures/titles are on the last page**

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PREGNANT WORKERS FAIRNESS ACT**

**I. POLICY STATEMENT**

As required by the federal Pregnant Workers Fairness Act (PWFA) effective June 27, 2023, it shall be the policy of the Health Care Services Division (HCSD) to provide reasonable accommodations to employees with limitation related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the HCSD operations and delivery of health services.

HCSD prohibits any retaliation, harassment or adverse action due to an employee's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

Note: Any reference herein to Health Care Services Division (HCSD) also applies and pertains to Lallie Kemp Medical Center (LKMC).

**II. IMPLEMENTATION**

This policy and subsequent revisions to the policy shall become effective upon approval and signature of the HCSD Chief Executive Officer (CEO) or Designee.

**III. PROCEDURES**

A. Requests for accommodation:

1. Must be submitted in writing to the Human Resources Department
2. Must include an explanation of the pregnancy-related limitations
3. Must include the accommodation needed

B. Depending on the nature of the accommodation, the employee may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

C. Examples of possible reasonable accommodations may include:

1. Sit while working
2. Closer parking
3. Drink water during the workday
4. Flexible work hours
5. Additional break time to use bathroom, eat, and/or rest
6. Receive appropriately sized uniforms and/or safety apparel
7. Excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

8. Time off to recover from childbirth

- D. Each accommodation request will be assessed individually, to include the nature of the employee's job, to determine if accommodation is reasonable and can be provided without causing undue hardship to the operations of the HCSD and Lallie Kemp Medical Center.
- E. An "interactive process" as defined under the Americans with Disabilities Act of 1990, will be used to assist in determining an appropriate reasonable accommodation.
- F. Approved accommodation requests that require employees to be off from work, must adhere to all applicable leave usage rules and regulations.

#### **IV. UNDUE HARDSHIP**

For purposes of this policy, the definition of undue hardship includes, but not limited to:

- A. Expense to provide accommodation.
- B. Disrupting of services to provide patient care.
- C. Reducing job efficiency in other areas of business operations, including the impact on other employees and the ability to provide health care services.
- D. Reducing workplace safety.
- E. Violating the rules and/or regulations required by federal/state accreditation agencies.

#### **V. EXCEPTION**

The HCSD CEO or designee may waive, suspend, change or otherwise deviate from any provision of this policy they deem necessary to meet the needs of the agency as long as it does not violate the intent of this policy; state and/or federal laws; Civil Service Rules and Regulations; LSU Policies/Memoranda; or any other governing body regulations.

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