Procedure for Employees who are Pregnant or have Pregnancy Related Conditions to Request Workplace Accommodations

Cornell University is committed to diversity, inclusion, and nondiscrimination, and supports the employment of qualified individuals who are pregnant or have pregnancy related conditions in its workforce in accordance with federal, state, and local laws, and regulations. This procedure aims to ensure compliance with the federal Pregnant Workers Fairness Act (PWFA) and to promote a supportive and inclusive environment for pregnant workers at Cornell.

Step 1: Employee Makes a Request for PWFA Workplace Accommodations

The employee is responsible for requesting a reasonable accommodation for a pregnancy or related condition in the workplace. This is the first step in the interactive process. The request should be submitted to the Cornell Office of Civil Rights ("COCR"), who will engage in the interactive process with the employee on behalf of the University.

Requests may be submitted by completing and submitting the Employee PWFA Accommodations Request Intake Form. Forms may be sent via secure email to accommodations@cornell.edu, faxed to (607) 255-2350, or dropped off in person to 500 Day Hall.

If employees need assistance due to a disability in submitting a written accommodation request, they should contact the University's Employee Accommodations Specialist at accommodations@cornell.edu.

Note to Supervisors: If a request is submitted directly to a supervisor or human resources representative, verbally or in writing, the supervisor is responsible for promptly forwarding the request to COCR. The reasonable accommodations process begins when the written request for accommodation is received by the employee's supervisor or HR representative.

Step 2: Interactive Process

Duration of Interactive Process: The interactive process will be completed in a reasonably prompt time frame, taking into account the timeliness of responses from employees and providers.

Interactive Communications: Upon receipt of an employee's request for accommodation, COCR will promptly engage in the "interactive process," which is a series of communications with the employee and the employee's human resources representative and supervisor to determine appropriate reasonable accommodations. The employee is expected to cooperate with the interactive process, including responding to meeting requests with COCR, and supplying additional information as requested. COCR

will consult with other University offices (e.g., IT for technology solutions), as needed, as a part of this process.

Additional Documentation of Condition: If additional documentation is needed to support the request, COCR and/or the employee may submit the University's Medical Information Request Form to the employee's identified healthcare professional. As part of this process, COCR will ensure that the employee understands what additional documentation is required and why.

Approval/Denial of Request: What constitutes a reasonable accommodation will be determined on a case-by-case basis, with input from the employee, supervisor, and human resources. COCR makes the final determination regarding approved accommodations.

Accommodations may include, but are not limited to, more frequent or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, appropriate seating, temporary transfer to a less strenuous or less hazardous position, job restructuring, light duty, modified work schedule, and private space that is not a bathroom for expressing breast milk. These accommodations may be granted even if they entail altering an employee's essential job functions for a limited period of time.

If a requested accommodation is denied because it is determined to be unreasonable or that it constitutes an undue hardship, the employee will be notified in writing of this determination and the basis for the determination.

Once accommodations are agreed upon and approved, COCR will provide the employee with a document outlining the reasonable accommodations, a copy of which will be shared with the employee's human resources representative and supervisor and maintained by COCR.

Step 3: Implementation of Reasonable Accommodations

University colleges/units are responsible for covering the cost of approved, reasonable accommodations, not the employee receiving the accommodations. The University's Central Accommodation Fund (CAF) is available to offset up to 50% of the cost of unforeseen accommodations. If an accommodation is ongoing, it is anticipated that colleges/units will build these costs into their yearly budgets.

Once a supervisor receives the signed document outlining the approved accommodations, the supervisor is responsible for:

- implementing the reasonable accommodation;
- keeping the request confidential, except as necessary for implementing the accommodation; and
- notifying COCR if accommodations are not effective

If an accommodation is no longer needed, or becomes ineffective, the employee is responsible for promptly notifying COCR.

Confidentiality of Records

COCR will document in writing all requests for reasonable accommodation and the conversations that occur during the interactive process and will maintain the information separate from the employee's personnel file.

All medical documentation must be kept confidential, separate from general personnel files (either in electronic and/or hard copy format), and shared only with those who are involved in the accommodation process or when required by law.

Related Forms

- Employee PWFA Accommodations Request Intake Form
- PWFA Employee Accommodations Health Care Provider Questionnaire

Complaints

Employees are protected from retaliation because they requested an accommodation for a pregnancy or related condition under Policy 6.4. Further, employees are protected from being discriminated against because they are pregnant or have a pregnancy related condition.

Employees who believe that they have been subject to discrimination due to their pregnancy or related condition, or retaliated against for making a request for reasonable accommodation, may file a complaint with COCR in accordance with Policy 6.4. Employees may also file a complaint with an external agency authorized to accept such complaints or pursue other remedies available to them under state or federal law.