

Board of Lucas County Commissioners



TITLE: Pregnancy Non-Discrimination and Reasonable Accommodation for Pregnant Workers Policy

POLICY NUMBER: 52

RESOLUTION NUMBER: 2023-741

SUPERSEDES POLICY:

EFFECTIVE DATE: August 29, 2023

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I. SCOPE

This policy applies to all employees under the appointing authority and jurisdiction of the Board of Lucas County Commissioners, subject, where applicable, to collective bargaining agreements.

II. PURPOSE

The Board of Lucas County Commissioners is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the [Pregnancy Discrimination Act](#) and the rights and responsibilities under the [Pregnant Workers Fairness Act](#).

The Board of Lucas County Commissioners further recognizes eligible pregnant applicants and employees' rights and responsibilities under the Family Medical Leave Act and the Americans with Disabilities Act.

III. POLICY

It is the Board of Lucas County Commissioners policy to provide a workplace free from discrimination, harassment, and retaliation based on pregnancy, childbirth, or related medical conditions, and to provide reasonable accommodations for job applicants and employees with known limitations related to pregnancy, childbirth, and related medical conditions.

IV. DISCRIMINATION

It is the Board of Lucas County Commissioners intent to treat women affected by pregnancy, childbirth, or related medical conditions in the same manner as other employees unable to work because of their physical condition in all aspects of employment including hiring, termination, pay, job assignments, promotions, layoff, training, fringe benefits such as leave and health insurance, and any other term or condition of employment. Discrimination, harassment, and retaliation is prohibited based on current pregnancy, past pregnancy, potential or intended pregnancy, and medical conditions related to pregnancy or childbirth.

Applicants or employees believing they have been subject to discrimination, harassment, or retaliation should refer to, and report their complaint in accordance with the complaint and reporting procedures set forth in the Board of Lucas County Commissioners Anti-Discrimination Policy, Harassment-Free Work Environment Policy, and Non-Retaliation Policy.

V. ACCOMMODATION

The Board of Lucas County Commissioners will provide reasonable accommodations to qualified job applicants and employees with known limitations related to pregnancy, childbirth, and related medical conditions. Reasonable accommodations will be made unless the accommodation would impose an undue hardship on the Board's business operations.

A qualified applicant or employee who needs a temporary change to how, when, or where they work due to pregnancy or related conditions, may request accommodation under this policy. The Board of Lucas County Commissioners will approve such a request so long as the accommodation requested is reasonable and will not create undue hardship. The Board of Lucas County Commissioners will determine on a case-by-case basis whether a requested accommodation is reasonable or would create an undue hardship after considering the nature of the accommodation, the business needs of the Board of Lucas County Commissioners and its departments, the needs of other employees, operations, and resources.

VI. REQUESTS FOR ACCOMMODATION

Employees may make a request for accommodation orally or in writing to their supervisor, manager, or department Director. Applicants may also request accommodation from their departmental Personnel Officer. A request for an accommodation should include an explanation of why the employee or applicant require an accommodation, which may include any physical limitations or risks in performing the job, or a description of the difficulties with one or more aspects the job. This request should also include a description of the accommodation sought along with the date the accommodation will become necessary and the expected duration of the need for accommodation. If the end date for the accommodation changes in the future, the employee shall notify the supervisor, manager, or Department Director.

Medical documentation to support the need for accommodation may be required in accordance with the Americans with Disabilities Act and the Board of Lucas County Commissioners leave policies.

A designee of the Board of Lucas County Commissioners shall engage in an interactive process with the employee or applicant to discuss the options for accommodation and determine which accommodation would be reasonable, effective and can be provided without significant difficulty or undue hardship. If the Board of Lucas County Commissioners determines that the accommodation requested is not reasonable, or would not be effective, or would cause significant difficulty or undue hardship, the designee, supervisor, manager, or department Director will engage in further discussion with the applicant or employee to suggest other accommodation.

Although the applicant or employee may be entitled to accommodation, they may not be entitled to a particular accommodation or the preferred accommodation. The Board of

Lucas County Commissioners reserves the right to determine the accommodation as long as it is effective.

VII. TYPES OF ACCOMMODATION

While the reasonableness of each accommodation will be individually assessed, possible accommodations include, but are not limited to:

Flexible Work Schedule: Schedule changes could include changing the time an employee arrives at and departs from the work site, the days when employees work, when employees take breaks or the number of breaks taken, or when certain duties are performed.

Reduced Hours: Reduction in daily and/or weekly work hours during the temporary period when the accommodation is needed.

Re-assignment of Position: This could include a temporary re-assignment to another vacant position at the same rate of pay and benefits.

Re-assignment of Job Duties: This would be for non-essential job duties during the temporary period the accommodation is needed.

Work-from-Home: If compatible with the duties of the job and not disruptive to operations for the temporary period accommodation is needed.

Accommodations could also include additional break time to use the bathroom, eat, and rest or to be excused from strenuous activities or activities that involve exposure to compounds deemed unsafe during pregnancy.

Employees may also request a paid or unpaid leave of absence as reasonable accommodation. An employee is not required to take leave if the employee does not wish to do so and another reasonable accommodation can be provided that will allow the employee to continue performing the essential functions of the job with or without reasonable accommodation. Pregnancy-related leave will be governed by the Board of Lucas County Commissioners policies for sick leave, family and medical leave, parental leave, personal leave of absence, and other types of leave. Once the need for leave has ended, the employee will be returned to the employee's original position or an equivalent position in accordance with the policy or policies that governed leave.

VIII. AMERICANS WITH DISABILITIES ACT

Employees and applicants who have a temporary disability caused or contributed to by pregnancy are not required to advise the Board of Lucas County Commissioners of their pregnancies if they do not wish to and may initiate a request for an accommodation due to disability in the same manner as non-pregnant employees and applicants under the Americans with Disabilities Act.

IX. FAMILY MEDICAL LEAVE ACT

Eligible employees may qualify for leaves of absence due to pregnancy and related medical conditions as well as for childcare under the Board of Lucas County

Commissioners Family/Medical and Military Family Leave policy. For more information, please refer to the Board of Lucas County Commissioners [Family/Medical and Military Family Leave](#) policy.

X. HEALTH BENEFITS

Health Benefits will be provided and maintained in accordance with the Lucas County Health Benefits Plan and eligibility rules.

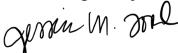
XI. RETALIATION OR HARASSMENT

The Board of Lucas County Commissioners prohibits any retaliation, harassment, or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

For further information and guidance please refer to:

- [Harassment Free Work Environment Policy \(Policy 6b\)](#)
- [Family/Medical and Military Family Leave policy \(Policy 8d\)](#)
- [Americans with Disabilities Act Policy \(Policy 15a\)](#)
- [Personal Leave Policy \(Policy 43c\)](#)
- [Parental Leave Policy \(Policy 44a\)](#)
- [Anti-Discrimination Policy \(Policy 53\)](#)
- [Non-Retaliation Policy \(Policy 55\)](#)
- [Lactation Accommodation Policy \(Policy 60\)](#)
- [Pregnancy Discrimination Act](#)
- [Pregnant Workers Fairness Act](#)

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Signature of County Administrator

9/6/2023

Date