



Presented By:

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A CLOSER LOOK AT CHANGES TO FEDERAL LAW



Pregnant Workers Fairness Act

- ❖ Pregnancy
- ❖ Childbirth
- ❖ Related Medical Conditions



PWFA Accommodations

- Ability to Sit
 - Drink Water
 - Closer Parking
 - Flexible Hours
 - Appropriately-sized Uniforms and Safety Apparel
 - Additional Breaks – Restroom/Eat/Rest
 - Leave Time
 - Excused from Strenuous Activities
 - Excused from Exposure to Compounds Unsafe for Pregnancy
- 



Cautions

- Cannot require an accommodation
- Cannot deny a job/promotion/relocation/etc.
- Cannot require leave
- Cannot retaliate




PWFA vs PDA

- Physical or Mental Condition – Modest, Minor, Episodic
- Termination of Pregnancy
- Infertility/Fertility Treatments
- Anxiety/Depression
- Menstrual Cycles
- Birth Control
- Lactation

Essential Functions Test Doesn't Apply.

Only denial is Undue Hardship to Fulfill Mission.



Jasmine's job is to be the liaison between the Commissioners and the citizens and the County regarding existing or desired projects. As part of her job, she attends Commission meetings. No other employee is trained to handle this role. Jasmine has requested intermittent time off over the next 6 months to travel to Gainesville for fertility treatment. She expects that she will need 3 days every 3 to 4 weeks. She doesn't have enough PTO to cover the absences. She is not eligible for FMLA.

Allow or Deny?



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Amanda works in Roads & Bridges. She's 9 months pregnant and due any day. She's saving up her leave to use after the baby is born so she shows up for work every day. Her supervisor is worried about her being in the heat and often requires her to sit in the truck with the A/C running to keep cool.

Any problem with this?



Pending New Salary Threshold for Exemption

Exemption Requirements:

1. Duties
2. Salary Basis
- 3. Salary Amount**

Pending New Salary Threshold for Exemption

\$35,568 → \$43,888
(7/1/24)

→ \$58,656
(1/1/25)

Pending New Salary Threshold for Exemption

Considerations:

- Any exempt employees earning less than \$43,888 (or \$58,656)?
- Do the Math
 - Convert the current salary to an hourly amount (salary/2080)
 - How many hours over 40 in a week does the individual usually work?
 - Current hourly amount x 1.5 x overtime hours
 - Add that to current salary
 - Compare to \$43,888, then prepare for the 1/1/25 increase to \$58,656



Let's Do One

Salaried Employee Earns **\$45,500** and usually arrives at work at 7:00 a.m., leaves at 6:00 p.m. and takes an hour for lunch.

- Hourly rate of pay is **\$21.88**
- Works 10 hours per day; 5 days a week; 50 weeks/year
- Annual overtime hours = 500
- Overtime rate **\$32.82**
- Total annual overtime = **\$16,410**
- **\$61,910** is estimated new annual pay
- Less cost to County to provide increase to new salary threshold of **\$43,888 (or even \$58,656)**



Religious Accommodations - Supreme Court Decision

Undue Hardship Rule Revisited

Previously

Requires an employer to bear more than a de minimis cost.

Now

Substantial in the context of an employer's business

Eric has requested to leave work by 4:00 on Fridays between November and March. His normal work schedule is 8:00 to 5:00. His religion prohibits working after sundown on Friday and driving is considered working. Because of his commute, in the winter months, he cannot get home before sundown if he leaves at 5:00. If we let Eric leave early, won't others want to do it too?

How do you handle?





Your Turn...




Questions



Comments

Thank
You!



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