

PWFA Frequently Asked Questions for Employees

What is the Pregnant Workers Fairness Act (PWFA)?

The PWFA is a federal law that is effective as of June 27, 2023. This law requires that employers, including Duke University, provide reasonable accommodations based on an employee's known limitations due to pregnancy, childbirth, or a related medical condition.

How am I protected under the PWFA?

In addition to requiring employers to provide reasonable accommodations based on pregnancy, childbirth, or a related medical condition, the PWFA also contains specific prohibitions, including:

- Requiring an employee to accept an accommodation without a discussion about the accommodation with the worker;
- Denying a job or other employment opportunities to a qualified employee or applicant based on the person's need for a reasonable accommodation;
- Requiring an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working;
- Retaliating against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding; or
- Interfering with any individual's rights under the PWFA.

What should I do if I am experiencing limitations due to pregnancy, childbirth, or a related medical condition? Do I need to give my supervisor a doctor's note?

If you require accommodations (modifications to the job, environment, policy, or practice) in order to manage those limitations, you should contact the Disability Management System (DMS) Office. DMS is responsible for facilitating the process for PWFA accommodation requests. You can get in touch with DMS via email at DMSOffice@duke.edu or through the DMS website access.duke.edu.

You do not need to provide your supervisor with any medical documentation. However, during the PWFA process, you will be asked to provide additional information, including clarification of your limitations.

What happens during the PWFA accommodation request process?

Once you contact DMS, DMS will work with you to understand any limitations you are experiencing due to pregnancy, childbirth, or a related medical condition. This will include asking you to complete an attestation with this information or providing additional clarification if needed. DMS will then try to identify what accommodations may be effective or appropriate based on the limitations shared.

DMS will then contact your supervisor and any appropriate partners, including HR and S&LR, to discuss the requested accommodations and how they impact the unit, its operations, and other

considerations. Based on this information, DMS will help determine what, if any, reasonable accommodations must be provided to you under the PWFA.

Any reasonable accommodations identified will then need to be provided by your unit. DMS will typically refer you back to your supervisor to work out the best way to provide the accommodations.

DMS will initiate a reevaluation of any accommodations provided depending on the nature of the accommodation. If the accommodation is based on your pregnancy, the arrangement will be reevaluated after the pregnancy has ended. If the accommodation is based on childbirth, the arrangement will be reevaluated six (6) months after the child is born. During this reevaluation, DMS will work with you and your supervisor to assess whether any ongoing requests are reasonable or if an alternative process (such as under the ADA accommodation process) should be initiated.

At any time, you or your supervisor can contact DMS if there are questions or concerns about the accommodations provided. This can include questions about needing to identify new accommodations or modify the existing arrangement.

How does the University decide which accommodations to give me under the PWFA?

The PWFA requires that the University provide “reasonable accommodations.” What is reasonable will depend on the specific accommodations requested and how those accommodations impact your unit, the unit’s operations, and other considerations. It is a decision that is made on a case-by-case basis, taking into account all relevant information.

What kind of accommodations can I ask for under the PWFA?

An accommodation is a modification to the job, the environment, policy, or practice which will address the limitations you are experiencing due to pregnancy, childbirth, or a related medical condition. Therefore, what accommodations you may need will be based on your individual experience. DMS will work with you to understand your limitations, how those limitations arise within your role, and then brainstorm potential accommodations that might effectively address those limitations. You should let DMS know if you have ideas for potentially effective accommodations. Similarly, DMS will also identify effective alternatives that may be considered.

What if I no longer wish to request accommodations under the PWFA? Do I need to get a doctor’s note clearing me to return without restrictions?

You may withdraw your request for PWFA accommodations at any time. This typically will not require you to submit a medical note clearing you to resume work without accommodations.

How long will my accommodations last?

The PWFA anticipates that many of the accommodations will be temporary in nature. As a result, DMS will initiate a review of any accommodations after the end of the pregnancy (if the

accommodation is related to pregnancy) or six months after childbirth (if the accommodation is related to childbirth). At that time, DMS will work with you and your supervisor to understand any ongoing need for accommodations and whether those accommodations are reasonable in light of the extended time period. DMS will also determine if you should pursue continuing accommodations through the ADA process if appropriate.

Who do I contact about other Duke benefits relating to pregnancy or parenting?

Duke's Human Resources [Family-Friendly Benefits](#) website contains helpful information about benefits and resources relating to pregnancy and parenting. In addition, please review the [Guide for Parents and Family](#) which shares further information.

Who should I contact with any additional questions regarding the PWFA or accommodations for pregnancy, childbirth, or a related medical condition?

Any questions or concerns can be directed to DMS at DMSOffice@duke.edu. You can also contact your S&LR representative.