

CITY OF WESTFIELD

PREGNANCY AND PREGNANCY-RELATED CONDITIONS POLICY

It is the policy of the City of Westfield to not discriminate based on pregnancy or pregnancy-related conditions and to provide reasonable accommodation in the same manner as it would be to a disabled employee. It is the goal of this policy to comply with the Pregnant Workers Fairness Act which amends M.G.L. c. 151B § 4.

Application of the Pregnant Workers Fairness Act ("the Act"):

The City of Westfield will:

1. Upon request for an accommodation, communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. **This is called an "interactive process," and it will be done in good faith.** A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnancy or experiencing a pregnancy-related condition, without undue hardship to the City of Westfield.
2. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would **pose an undue hardship on the employer.** "Undue hardship" means that providing the accommodation would cause the City of Westfield significant difficulty or expense;
3. Will not require a pregnancy employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the City of Westfield;
4. Will not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation;
5. Will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition;
6. Will not require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathrooms place for **expressing breast milk.** The City of Westfield may, however, request medical documentation for other accommodations.

Complaints of Pregnancy and/or Pregnancy-Related Discrimination:

If you believe that you as an employee have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the City of Westfield. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting:

Personnel Director

City of Westfield

59 Court Street

Westfield, MA 01085

413-572-6207.

The Personnel Director is also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

Investigation

When the City of Westfield receives the complaint, it will promptly investigate the allegation in a fair and expeditious **manner**. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the **circumstances**. The investigation will include a private interview with the person filing the complaint and with **witnesses**. When the investigation is completed, the City of Westfield, to the extent appropriate will inform the person filing the complaint the results of the **investigation**. If it is determined that inappropriate conduct has occurred, the City of Westfield will act promptly to correct the condition.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by an employee, the City of Westfield will take such action as is appropriate under the **circumstances**. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as it deems appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to discrimination, you may file a formal complaint with either or both The United States Equal Employment Opportunity Commission (EEOC) or The Massachusetts Commission Against Discrimination (MCAD). Using our complaint process does not prohibit you from filing a complaint with these agencies. As of the issuing of this policy, the MCAD has a short time period for filing a claim (300 days)