

Compliance Alert

Pregnant Workers' Fairness Act Takes Effect

IF YOU have not yet done so, it's time to update your employee handbooks and the Equal Employment Opportunity Commission "Know Your Rights: Workplace Discrimination is Illegal" poster to account for changes to workplace anti-discrimination laws.

The Pregnant Workers' Fairness Act, signed into law last year, came into effect June 27 and the EEOC has announced that it will start accepting complaints on day one.

The Act requires "covered employers" to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause the employer an "undue hardship."

A "covered employer" is a private or public sector employer with at least 15 workers.

The Act only covers accommodations, while existing laws make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth or related medical conditions.

Due to the new law, employers will also need to swap out their current posters with new versions that include the new protected class.

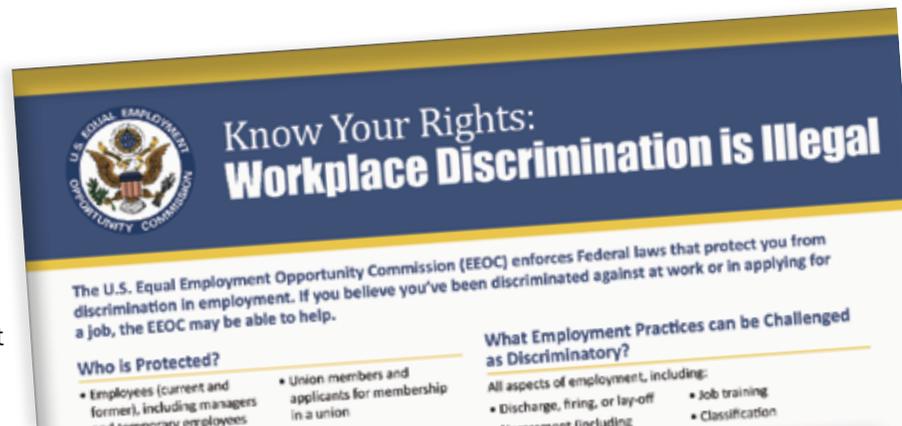
The poster

Since the law took effect June 27, if you have not already done so, download, print and then post the new poster alongside your other workplace posters. You can download the poster below:

English-language version

Spanish-language version

For additional information about this EEOC update, visit the agency's website.



Internal steps

The new law requires that leave be considered as a reasonable accommodation. However, if you have in place an existing pregnancy/maternity leave policy that applies to all workers, the policy may violate this law if that is all you are offering pregnant employees per your handbook, according to an analysis of the law by *JDSupra.com*, a legal website.

Additionally, *JDSupra.com* recommends that you train supervisors and managers on the new law and that they will need to offer accommodations to pregnant employees, such as light duty, which previously may have only been offered to those injured on the job and/or who had serious, long-term medical conditions such as cancer, PTSD or diabetes.

It also recommends updating your employee handbook to list "pregnancy" as its own protected class in both your "Equal Employment Opportunity" and "Accommodation Request" sections.

Finally, the website warns: "In both your policies and in practice, putting a pregnant employee 'out on leave' should not be your initial, only, or otherwise 'go to' move when it comes to 'accommodation.'"

If you have questions, feel free to contact us. ❖

Continued from page 1

Use Non-Combustible Materials for Walkways

many plants you have, this area requires regular upkeep to reduce the risk of fire.

CalFire recommends:

- Removing all dead plants, grass, dry leaves, pine needles and weeds (vegetation).
- Trimming trees regularly to keep branches a minimum of 10 feet from other trees and from hanging over the building.
- Planting low, well-irrigated plants like vegetables, succulents, grasses, groundcover, seasonal flowering annuals, or lawn (and walkable lawn alternatives) close to the building, and larger shrubs and trees further away from the house.
- Using non-combustible materials for walkways.

Zone 2 (30 to 100+ feet from building) – This zone is essential for decreasing the speed of a fire.

Steps to take include:

- Maintain plants and remove dry debris and dead plants.
- Use plants that are native to the area.
- Move anything flammable during a nearby wildfire 30 feet away from structures. This includes any inventory or tools and implements you may keep on the property.
- Plant vegetation with ample spacing.

Part two: In the next issue, we will look at fire-resistant materials and actions you can take to harden your business property. ❖