Pregnancy and the University Workplace

SafetyNet #: 54

A. Summary
This article will provide assistance and guidance about speaking with employees about reproductive health in the work place. This article will also help you understand your role in conducting the Interactive Process and exploring effective accommodations based on functional limitations and or restrictions.

Your partners in facilitating the Interactive Process and making effective accommodations are Disability Management Services, Safety Services and Safety Coordinators. DMS will consult with supervisors, managers or employees that have any questions about the Interactive Process or Reasonable Accommodation.

B. Compliance Issues
Federal and state law as well as UC policy obligates supervisors and managers to be responsive to employee inquiries about health issues in the work place. When an employee asks, inquires or provides notice about the need for accommodation in the work place, the supervisor or manager must engage in the Interactive Process.

The Interactive Process (IP) is simply a good-faith and on-going interaction between the supervisor or manager and employee about any work place safety and health issues that may be present in the work place.

Where pregnancy or reproductive health is a concern, the IP involves a discussion of what task(s) or aspect(s) of a job that an employee may be limited to performing when pregnant or trying to become pregnant.

As a part of the IP, the supervisor or manager may ONLY ask the employee to provide medical documentation of their functional limitations and or restrictions; including any limitation or restriction from being around, near or handling chemicals, materials or pathogens found in the employee’s work place. The supervisor or manager CANNOT ask whether or not an employee is pregnant, thinking about becoming pregnant or why the limitations or restrictions are needed.

The IP does not necessarily lead to needing the employee to provide functional limitations and
or restrictions; the interaction might be informational or a proactive inquiry by the employee about hazards in the workplace that may affect reproduction. If that is the circumstance, then the supervisor or manager should provide all relevant information about the hazards in the workplace and let the employee, along with their healthcare provider, decide if these hazards might be of concern or limit their ability to be in the workplace. The supervisor or manager should document the interaction.

When the employee inquiry is more than informational, the supervisor should ask the employee to provide the medical documentation about any functional limitations and or restrictions about being around, near or handling chemicals, materials or pathogens found in the employee’s workplace. The medical information must also contain the period of time the accommodation needs to be effective. Again, the supervisor or manager CANNOT ask about the pregnancy, ONLY the functional limitation and or restrictions.

The most useful medical information is an assessment by the healthcare provider about amount of exposure the employee may have to a chemical, material or pathogen found in the specific or general area in which the employee works. For example, the healthcare provider may indicate that the employee should not be exposed to formaldehyde vapors for more than five minutes per hour. In other words, the healthcare provider should identify the kinds of chemicals, materials or pathogens, the limits of exposure to these chemicals, materials and pathogens for the employee and the period of time the limitations and or restrictions need to remain in effect.

It is important that the supervisor or manager review the limitations and restrictions with the employee so that there is a common understanding of what the limitations or restrictions mean. If there is any uncertainty or ambiguity about what the restrictions mean, additional information from the healthcare provider will be needed. This is a point where the supervisor or manager should reach out to DMS, Safety Services or the Safety Coordinator for help.

C. Reasonable Accommodation

A reasonable accommodation is a logical adjustment to the job or job duties that allows a person with a disability to perform the essential functions of the position. Leave, on the other hand, is about the employee being away from the workplace. When an employee is pregnant, she is entitled to Pregnancy Disability Leave, baby bonding leave and Family Medical Leave.

While pregnancy is not technically a disability, supervisors and managers still have a concrete obligation to provide a Reasonable Accommodation for employees wanting to become pregnant, are pregnant and mothers that are lactating.

In order for a workplace accommodation to be “Reasonable,” the accommodation must be effective for the employee and the department. Ultimately, the department determines what the most effective accommodation will be, but the supervisor or manager must engage in the Interactive Process, ask for assistance from DMS, Safety Services or the Safety Coordinator when there is a question and be make sure the accommodation will be effective for the employee and the department.
Accommodations for employees that are wanting to become pregnant, are pregnant or lactating are temporary, meaning there is a start date and an end date for the accommodation. Any accommodation made should be documented on a temporary accommodation form. DMS can provide assistance in completing the temporary accommodation form. The temporary accommodation form should contain information documenting the IP occurred, the functional limitations and restrictions provided by the healthcare provider and the accommodations made.

The temporary accommodation form should also indicate that the accommodation is temporary, the date range for the accommodation and a date the accommodation will be reviewed.

D. Additional Resources
Personnel in the following offices can assist you with more specific information.

1. Campus
   - Environmental Health & Safety: 530-752-1493
   - Occupational Health: 530-752-6051
   - Employee and Labor Relations: 530-754-8892
   - Benefits: 530-752-1774
   - Disability Management Services: 530-752-6019
   - Campus Counsel: 530-754-6295

2. UDCMC
   - Health Physics: 916-734-3355
   - Occupational Safety: 916-734-2740
   - Employee Health: 916-734-3572
   - Employee and Labor Relations: 916-734-3362
   - Benefits: 916-734-8099
   - Disability Management Services: 916-734-3553

3. NIOSH
   To learn more about reproductive risks that both women and men face see The National Institute for Occupational Safety and Health (NIOSH) topic, Reproductive Health and the Workplace [1].

Contact