

Policy On Reasonable Accommodations for Disabilities Due to
Pregnancy Act

Governor Martin O'Malley signed legislation that amends the Maryland Fair Employment Practices Act ("FEPA") and expands Maryland employers' obligations to accommodate pregnant employees. The Reasonable Accommodations for Disabilities Due to Pregnancy Act (RAPWA), requires that Maryland employers with 15 or more employees provide pregnant employees who are temporarily disabled with light duty assignments or similar accommodations, unless the accommodation would impose an undue hardship to the employer. The amendment takes effect on October 1, 2013.

Under the new law, covered employers must provide certain reasonable accommodations to pregnant employees who provide notice of a temporary disability. Employers must "explore" with the employee all possible means of providing a reasonable accommodation, including: (1) changing the employee's job duties, (2) altering the employee's work hours, (3) relocating the employee's work area, (4) providing mobility aids, (5) transferring the employee to a less strenuous or hazardous position, or (6) providing leave. If an employee requests a transfer to a less strenuous job during the pregnancy, an employer must grant the request if: (1) the same opportunity would be available for any other temporarily disabled employee; or (2) the woman's health care provider so advises, and the employer can do so without creating a new job or displacing employees. In making reasonable accommodations, employers are not required to create additional employment that it would not otherwise have created, discharge any employee, transfer an employee with more seniority than the employee requesting the reasonable accommodation, or promote any employee who is not qualified to perform the job.

Employers may require pregnant employees seeking an accommodation to submit a medical certification that includes the date the reasonable accommodation became medically advisable, the probable duration of the accommodation, and an explanatory statement as to the medical advisability of the accommodation. To request ADA accommodations contact the ADA/EEO Compliance Office at 301-687-4102, or visit Frostburg State University's Human Resources website at www.frostburg.edu.