

The Pregnant Workers Fairness Act



**Manuel L.
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By letter dated July 7, 2025 (USPS5248), the USPS notified the NALC that it had “developed additional forms that can be utilized to submit requests for reasonable accommodation in accordance with the PWFA. ... The PWFA forms will be accessible to employees through the Disabilities and Reasonable Accommodation page in MyHR”

Upon my receipt of this correspondence, I did some research to acquire and review relevant information and form a work group to assist. I thank Debbie Dixon, Danielle Fake-Moorman and Mandy Hankins for their work on this project.

Congress.gov summarizes the Pregnant Workers Fairness Act (PWFA) as follows:

This law prohibits employment practices that discriminate against making reasonable accommodations for qualified employees affected by pregnancy, childbirth, or related medical conditions. A qualified employee is an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the position, with specified exceptions.

Specifically, the bill declares that it is an unlawful employment practice to:

- fail to make reasonable accommodations to known limitations of such employees, unless the accommodation would impose an undue hardship on an entity's business operation;
- accommodation other than any reasonable accommodation arrived at through an interactive process;
- deny employment opportunities based on the need of the entity to make such reasonable accommodations to a qualified employee;
- require such employees to take paid or unpaid leave if another reasonable accommodation can be provided; or
- take adverse action in terms, conditions, or privileges of employment against a qualified employee requesting or using such reasonable accommodations.

The bill sets forth enforcement procedures and remedies that cover different types of employees in relation to such unlawful employment practices.

When the law was enacted on June 27, 2023, the Equal Employment Opportunity Commission (EEOC) was directed to create the governing regulations. They issued their notice of proposed rulemaking inviting public comments until Oct. 10, 2023.

On April 19, 2024, the EEOC published its final rule and interpretive guidance through the *Federal Register*/Vol. 89, No. 77 (consisting of 125 pages of comments, decisions and the final regulation). These governing rules took effect on June 18, 2024. This document makes clear that the PFWA cross references obligations established through a number of other laws, such as Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978, as well as the Americans with Disabilities Act, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act, and the Providing Urgent Maternal Protections for Nursing Mothers Act, and states that some issues covered under PWFA may be actionable under the other laws referenced herein.

Separate from the regulations referenced above, the EEOC published three additional items to address some of the many concerns and questions that surface as relates to the application of the PWFA.

The EEOC issued a *Summary of Key Provisions of EEOC's Final Rule to Implement the Pregnant Workers Fairness Act*. This document contains the following admonition:

This document provides a summary of key portions of the final rule. This document is provided for informational purposes only. It is not a substitute for the full text of the final rule. It does not discuss all of the provisions in the final rule and does not contain details, examples, or explanations that are provided in the final rule. This document indicates the notable differences between the proposed and final rule. In addition to the differences noted in this document, the final rule has numerous minor language changes and several additional examples.

The EEOC also issued the text of the new law as well as a series of questions and answers. These four items will be located on the NALC website under “Workplace Issues”>“Pregnancy-related Protections.”

After all the reading, our workgroup posed questions to management and held an initial meeting.

For starters, the NALC expressed great concern over the fact that the USPS had elected to create a form for use, where our opinion strongly opposes such a form, especially when one reads the *Federal Register* on the subject of using forms. On page 29120 of the *Federal Register*, the EEOC published the following final opinion on the use of a form:

Several comments also addressed whether the employer could require the process to start by the employee filling in a form and whether, if the employer had a process, the employee was required to follow it so that a request would be considered only when made to the entity identified in the employer's policy.

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- plan; ask questions if you don't understand them.
- Treat your health care provider, their staff and others respectfully and honestly.
- Voice your complaints, concerns, suggestions or grievances to our Customer Service department and/or your health care provider.

- Make sure that you obtain authorization required under the Plan for certain services.

In closing, I would like to wish you and your family a joyous holiday season and happy new year. We look forward to supporting your health journey in 2026.

Executive Vice President

The Letter Carrier Political Fund (continued)

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The importance of the LCPF cannot be overstated. NALC has been instrumental in advancing and securing legislation of significant impact to letter carriers. However, we must not rest on our laurels but rather reinforce our commitment to strengthening our PAC to maintain a strong force in the legislative and political arena, as we continue in our pursuit to advance legislation for the benefit of letter carriers.

So, it really comes down to this: The stronger our PAC, the louder our voice on Capitol Hill and the more we can get done to benefit letter carriers. So, please make your voice loud by contributing to the Letter Carrier Political Fund. For more information or to sign on to become a contributor, please go to the Letter Carrier Political Fund web page at nalc.org/pac or contact the Department of Legislative and Political Affairs at NALC Headquarters at 202-662-2833.

Director of Safety and Health

The Pregnant Workers Fairness Act (continued)

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The Commission did not adopt either of these views. First, requiring an employee to create a written request or to follow a specific provision to begin the reasonable accommodation process is contrary to the idea that this should not be a difficult or burdensome task for employees. Second, as one comment pointed out, some employees, such as those facing intimate partner violence, may be cautious or afraid of putting into writing their need for an accommodation. Third, many of the limitations and accommodations under the PWFA will be small or minor; the Commission expects that most accommodations will be provided following nothing more than a conversation or email between the employee and their supervisor, and there will not be any other forms or processes. If an employer does have a process to confirm what was stated in the initial request and that process uses a form, the form should be a simple one that does not deter the employee from making the request and does not delay the provision of an accommodation.

The original form as provided to the NALC on July 7, 2025, contained the following comment in its Privacy Act Statement: "Providing the information is voluntary, but if not provided, we may not process your request."

That statement alone seemingly deviates from the mandates of the PWFA.

The PWFA is a relatively new law. More information will be provided in future issues of *The Postal Record*.

We seek your help in keeping an eye on your co-workers to make sure that they are not denied the protections identified in the law. Please bring any problems to the attention of your branch leaders and, if necessary, to your national business agents.