



PERSONNEL POLICY

SUBJECT: PREGNANT WORKERS FAIRNESS ACT

DATE: May 7, 2025

Number: 114-23

I. Statement of the Policy

It is the policy of Fulton County to fully comply with the Pregnant Workers Fairness Act (PWFA). Fulton County will provide reasonable accommodations to applicants and employees with known limitations related to pregnancy, childbirth, or related medical conditions. Further, Fulton County will not tolerate discrimination against qualified applicants or employees based on the need or potential need for reasonable accommodation under the PWFA, or for requesting or using a reasonable accommodation under the PWFA.

II. Background and Applicability

The PWFA is a federal law requiring covered employers to provide reasonable accommodations to an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would cause the employer undue hardship. Effective on June 27, 2023, the PWFA extends protection to employees and applicants who have known limitations related to pregnancy, childbirth, or related medical conditions.

This policy is intended to assist all Fulton County employees with PWFA compliance; to provide full and equal access to employment opportunities; to assist qualified employees and applicants who may be impacted by limitations related to pregnancy, childbirth, or related medical conditions; and to provide reasonable accommodation(s) which may enable qualified employees to perform the essential functions of their positions, unless the accommodation would result in undue hardship to Fulton County. This policy shall be administered by the Department of Diversity and Civil Rights Compliance (DCRC).

III. Establishment and Implementation of Procedure

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

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PERSONNEL PROCEDURE

SUBJECT: PREGNANT WORKERS FAIRNESS ACT

DATE: JUNE 17, 2025

Number: 114-23

In establishing this Procedure, Fulton County intends to fully comply with all requirements of the Pregnant Workers Fairness Act ("PWFA"), implementing regulations, and all other applicable laws. To the extent any part of this Procedure conflicts with applicable law, the requirements of applicable law will control.

I. Definitions

- Employee refers to all individuals employed by Fulton County includes any individual employed by Fulton County Government with the exception of the personal staff of elected officials.
- Known Limitation means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified under the Americans with Disabilities Act of 1990.
- Qualified Employee means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if –
 - any inability to perform an essential function is for a temporary period;
 - the essential function could be performed in the near future; and
 - the inability to perform the essential function can be reasonably accommodated
- Reasonable Accommodation refers to any change or adjustment to the application process, job, work environment, or the way work is customarily done which permits a qualified employee or applicant with a known limitation to apply for a desired position or perform the essential functions of the employment position. Reasonable

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accommodation may include, but is not limited to, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, and other similar accommodations for individuals with known limitations related to pregnancy, childbirth, or related medical conditions of the individual.

- Undue Hardship refers to the threshold that must be met before Fulton County may deny a reasonable accommodation under the PWFA. Undue hardship means an action requiring significant difficulty or expense, when considered in light of the following factors:
 - the nature and cost of the accommodation;
 - the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
 - the overall financial resources of the covered entity, the overall size of the business of the employer with respect to the number of its employees, and the number, type, and location of its facilities; and
 - the type of operation(s) of the covered entity, including the composition, structure, and functions of the workforce of such entity, and the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

To the extent any of the above definitions conflict with definitions in any applicable law or regulation, such applicable law or regulation is controlling.

II. Reasonable Accommodations Procedure

A. Applicants and Pre-Employment Requests for Accommodation

The PWFA covers all employment activities and stages of employment, including but not limited to, position applications. The Fulton County Department of Human Resources Management shall endeavor to: make all aspects of the application process accessible; make and/or provide requested reasonable accommodation(s) relative to the application, and/or interview process as required; and ensure equal access to employment opportunities for all applicants.

It is the responsibility of the applicant to request accommodations at least 72 hours in advance of any part of the application process for which the applicant may need reasonable accommodation. Applicants should contact the Deputy Human Resources Officer or the HR Operations Manager by calling 404-613-0871 at least 72 hours in advance to request accommodations.

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B. Employees and Post-Employment Requests for Accommodation

In accordance with the requirements of the PWFA, when an employee with a known limitation related to pregnancy, childbirth, or a related medical condition requests an accommodation under the PWFA, Fulton County and the employee must engage in an interactive process to evaluate the employee's request and identify reasonable accommodations that would allow the employee to perform the essential functions of his or her job without resulting in undue hardship to Fulton County.

The interactive process consists of two (2) components: (1) determining whether the employee has a physical or mental condition that meets the definition of a known limitation under the PWFA (qualification/eligibility) and may be entitled to reasonable accommodations; and (2) determining what reasonable accommodations exist that would allow the employee to perform the essential functions of his or her job without resulting in undue hardship to Fulton County. Fulton County's ADA and Reasonable Accommodations Procedure (100-16) will be used to make the determinations listed above. Any employee seeking to request a reasonable accommodation for a known limitation related to pregnancy, childbirth, or related medical condition must contact the Department of Diversity and Civil Rights Compliance (DCRC) – Disability Affairs Unit at (404) 612-7305. DCRC will then follow all applicable steps set forth under Fulton County's ADA and Reasonable Accommodations Procedure (100-16) through and including case closure.

C. Possible Accommodations

Examples of possible accommodations under the PWFA may include more frequent work breaks to use the bathroom, eat, and rest; excusing the employee from strenuous activities; closer parking; flexible work hours; the ability to sit and/or drink water; appropriately sized uniforms and safety apparel; and excusing the employee from activities that involve exposure to compounds not safe for pregnancy.

The above list is not exhaustive. Any accommodation requested by the employee or discussed under Fulton County's ADA and Reasonable Accommodations Procedure (100-16) should be considered, among others, provided that no employee shall be required to take leave (whether paid or unpaid) if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

III. Additional Information

A. Confidentiality

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DCRC shall maintain all medical information obtained or received in a strictly confidential manner at all times. However, DCRC, as needed or if required by law, may disclose certain limited information to support the need for the requested reasonable accommodations.

B. Representation

For any and all meetings required under this Policy, an employee may choose to bring a representative of his/her choice. That representative may be a family member or friend, employee organization/union representative, or a legal representative. However, should the employee choose to have a legal representative present, the employee is responsible for notifying all individuals involved in sufficient time to allow the Appointing Authority and/or DCRC staff to also secure legal representation, as appropriate. DCRC may postpone any meeting during the interactive process to secure legal counsel.

C. Retaliation

Retaliation due to any request for accommodation, contact with DCRC, or participation or assistance in the DCRC Qualification process and/or Reasonable Accommodation process is strictly prohibited. Any employee engaging in such retaliation shall be subject to disciplinary action in accordance with Fulton County policy.

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