

CONNECTICUT

NEW GUIDANCE: Connecticut Publishes Guidance Materials Regarding Pregnancy Accommodations

The Connecticut Commission on Human Rights & Opportunities recently published a [Best Practices Blueprint](#) intended to provide guidance to Connecticut employers on how to handle employee's requests for accommodation relating to pregnancy, childbirth, or pregnancy-related conditions.

The Connecticut Fair Employment Practices Act provides the following protections for employees due to pregnancy, childbirth, or pregnancy-related conditions:

- Employers must provide employees with reasonable accommodations for pregnancy, childbirth, and related conditions;
- Employers must provide employees with reasonable leaves of absence due to disability resulting from pregnancy;
- Employers must provide employees with reasonable accommodations and reasonable leaves of absences for any pregnancy-related condition or symptom; and
- Employers must provide employees with reasonable accommodations for lactation needs.
- Employers must engage in a good-faith discussion regarding a requested accommodation with an employee. The conversation must be confidential and the employee cannot face retaliation for requesting accommodation.

The guidance reminds employers of the above obligations, but also provides the following clarifications:

- Accommodations may be required a wide array of pregnancy-related condition, including, but not limited to – nausea, morning sickness, dehydration, lower blood sugar, swelling of extremities, increased body temperature, need for bed rest, anemia, abnormal placentation, bladder dysfunction, fatigue, migraines, sciatica, carpal tunnel syndrome, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression; infertility or need for fertility treatments, loss or termination of pregnancy, and lactation conditions such as mastitis.

Potential accommodations include, but are not limited to –

- Being permitted to sit or to eat while working;
- More frequent or longer breaks, including but not limited to bathroom, water, or rest breaks;
- Modifying policies prohibiting food or drinks while an employee is working;
- Periodic rest;
- Assistance with manual labor;
- Being provided assistive equipment, such as a stool, chair, or assistive lifting equipment;
- Job restructuring;
- Light duty or desk duty assignments;
- Modified work schedules, including but not limited to the option to telework;
- Modified dress code or uniform requirements;
- Moving a workstation to permit the movement or stretching of extremities, or to be closer to a bathroom;
- Temporary transfers to less strenuous or hazardous work;
- Time-off to attend pre-natal or post-natal appointments

Please be advised that medical documentation cannot be required as a condition of beginning the interactive process. Also, in many cases, medical certification should not be necessary. To the extent that medical certification is required, employers must advise employees of that requirement in advance and may only require documentation if it requires other employees seeking medical leave provide medical certification and employees are provided at least fifteen days for the employee to provide the certification

To obtain any pregnancy-related accommodation, employees only need to confirm

- the nature of the limitations necessitating the accommodation; and
- that the limitations are related to the employee’s pregnancy, childbirth, or related condition.

Finally, an employer may only require a “fitness for duty” note if it provided advance notice of this requirement and provided the requirement applies to all employees returning from “temporary disability leaves.”

It is strongly recommended that all Connecticut employers review this new guidance when handling a pregnant employee’s request for accommodation.