

**Town of Mashpee Board of Selectmen
Policy 077**

Pregnancy and Pregnancy-Related Conditions

I. INTRODUCTION

The Pregnant Workers Fairness Act ("the Act") amends M.G.L. c.151B, §4, the current statute prohibiting discrimination in employment, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, which goes into effect on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions. It also describes employers' obligations to employees that are pregnant or lactating, and the protections these employees are entitled to receive.

II. POLICY

It is the policy of the Town of Mashpee to comply with all requirements of the Pregnant Workers Fairness Act. The Town does not discriminate on the basis of pregnancy and pregnancy-related conditions.

III. PROCEDURE

In the application of the Pregnancy Workers Fairness Act ("the Act"), the Town of Mashpee will:

- A. Upon request for an accommodation, communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it will be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the Town of Mashpee.
- B. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the Town of Mashpee significant difficulty or expense.
- C. Will not require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the Town of Mashpee.

- D. Will not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- E. Will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- F. Will not require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. The Town of Mashpee may, however, request medical documentation for other accommodations.

III. COMPLAINTS OF PREGNANCY AND/OR PREGNANCY-RELATED DISCRIMINATION

If you believe that you as an employee have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the Town of Mashpee. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Human Resources Director by phone at 508-539-1409, or by mail at 16 Great Neck Road North, Mashpee, MA. The Human Resources Director is also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

IV. INVESTIGATIONS

When the Town of Mashpee receives the complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. When the investigation is completed, the Town of Mashpee, to the extent appropriate will inform the person filing the complaint the results of the investigation. The results of the investigation shall be forwarded to the Town Manager, who shall follow-up in a timely manner to ensure compliance of this policy and to take any other action he/she deems appropriate and necessary.

If it is determined that inappropriate conduct has occurred, the Town of Mashpee will act promptly to correct the condition.

V. DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by an employee, the Town of Mashpee will take such action as is appropriate under the circumstances. Such action may range

from counseling to termination from employment and may include such other forms of disciplinary action as it deem appropriate under the circumstances.

VI. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to discrimination, you may file a formal complaint with either or both government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

[The United States Equal Employment Opportunity Commission](#) ("EEOC")

[The Massachusetts Commission Against Discrimination](#) ("MCAD")

*Adopted by the
Mashpee Board of Selectmen
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