



Pregnancy

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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A healthy pregnancy is generally not considered a disability under ADA because it does not meet the definition of a disability on its own. However, a pregnant individual with complications resulting from pregnancy, or impairments provoked by pregnancy may be considered disabled under ADA. To be covered under ADA, the pregnant individual must have an impairment that substantially limits one or more major life activities.

Regardless of ADA status your agency should be attentive to other pregnancy protections such as Family and Medical Leave Act (FMLA), Pregnancy Discrimination Act (PDA), Title VII, and state discrimination laws.

General Pregnancy Accommodations

It should be expected that individuals who are pregnant may have restrictions in lifting, walking, standing for long periods, sitting, and being exposed to certain chemicals or conditions. As an employer you should consider offering accommodations such as: closer parking, rest breaks, a chair or stool for prolonged standing, ergonomic tools, a flexible work schedule, telecommuting, limited travel, relaxed dress code, and periodic rest breaks.

Light Duty and Reduced Work Schedules for Pregnancy

Cities are not required to provide light duty work or part-time work to accommodate a pregnancy. However, an individual who is pregnant should be treated in the same manner as other individuals with non-work related injuries. If a health care provider indicates that a pregnant employee needs part-time work for health reasons, you should consider such schedule as a possible accommodation.

Positions that may be Considered Dangerous during Pregnancy

Frequently cities ask if they can make their female police officer take leave for the safety of the fetus. The answer is No. According to the EEOC, if an employee is able to perform her job functions then she must be considered eligible for employment regardless of the presence of workplace hazards to the fetus. However, if the employee is unable to perform the essential functions of the job, an offer of accommodation in the form of a transfer to another position (if available), or an offer for the employee to take leave under FMLA and or your employer's policies, have been seen as reasonable.

Employers who have women in positions that might endanger a fetus must warn women of the potential risk and provide alternatives, if available. However, if a woman chooses to continue to work in her capacity, the employer may not interfere with her right to work unless she cannot perform the essential functions of the job. *International Union, United Auto., Aerospace and Agr. Implement Workers of America, UAW v. Johnson Controls*, 499 U.S. 187 (1991).

What if a Health Care Provider Determines She must Stop Working?

If at any point a health care provider deems it medically necessary for a female to stop working prior to delivery, a covered employer likely should accommodate that request by offering leave. While most women can work up to their due date, other women may experience health conditions that require them to stop working until delivery and postpartum recovery.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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