Engage PEO Client Alert:

Tennessee: Pregnant Workers Fairness Act

The "Tennessee Pregnant Workers Fairness Act" requires every employer with at least 15 employees to make a reasonable accommodation for an employee's or prospective employee's medical needs arising from pregnancy, childbirth, or related medical conditions, unless such accommodation would impose an undue hardship on business operations. The new law goes into effect on October 1, 2020.

I**n the meantime**, the legislature has made clear that **no covered employee can be required to take leave because of medical needs arising from pregnancy,** childbirth, or related medical conditions if another reasonable accommodation would be possible. Further, an **employer may not take any adverse action against the employee** for requesting or using a reasonable accommodation under these circumstances, including, but not limited to, counting an absence related to pregnancy under a no-fault attendance policy.

If **medical certifications** are required of other employees needing an accommodation, then the employer **may require** an employee with a pregnancy- or childbirth-related medical condition also to provide certification from a healthcare professional to support any request for temporary transfer, job restructuring, light duty, or absence from work. However, the employer's duty to engage in a good faith interactive process regarding possible accommodation begins immediately, even while the employee is in the process of obtaining the requested certification; no adverse action can be taken during this time.

If you have questions, please contact your Engage HR Consultant.