

Idaho Division of Human Resources
Statewide Executive Branch Policy
Section 14: ADA and Reasonable Accommodation
Supplemental Accommodations

Table of Contents

Purpose.....	1
Religious Accommodation.....	2
Pregnancy-Related Accommodation	2
Nursing Employee Pump Breaks.....	3
Protections Against Discrimination and Retaliation	4
Medical Records and Confidentiality	4

Purpose

In addition to the Americans with Disabilities Act (ADA), applicants and employees may be entitled to additional and reasonable accommodations under the following federal laws

Title VII of the Civil Rights Act of 1964 (religious beliefs, practices, or observances);

Pregnancy Discrimination Act and Pregnant Workers Fairness Act (PWFA) (known limitations related to pregnancy, childbirth, or related medical conditions);

Fair Labor Standards Act (FLSA);

Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (break time and space for nursing employees).

The State ensures compliance with federal laws concerning the employment of persons with sincerely held religious beliefs, persons with known limitations related to pregnancy or childbirth, and persons who are nursing for up to one year after a child's birth. The State acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC) and the United States Department of Labor (USDOL).

The following sections outline the processes and requirements for requesting and evaluating religious accommodations, pregnancy-related accommodations, and break time and space for nursing employees.

Religious Accommodation

Title VII requires employers to reasonably accommodate the religious practice of employees or applicants unless doing so would cause an undue hardship. The State respects the religious beliefs and practices of all employees and will provide reasonable accommodations when available.

Process for Requesting Religious Accommodation(s)

Employees or applicants may request a religious accommodation at any time, verbally or in writing.

Requests should be submitted to the immediate supervisor or Human Resources and should describe:

- The sincerely held religious belief or practice
- The nature of the conflict
- The accommodation being sought.

The agency will evaluate whether a conflict exists based on a sincerely held religious belief or practice and, if so, whether a reasonable accommodation can be provided without undue hardship.

Examples of religious accommodations may include:

- Use of paid leave or leave without pay;
- Modifications to dress or appearance standards that do not compromise safety;
- Adjustments to other workplace policies or practices.

The agency and employee/applicant will meet to discuss the request and identify an appropriate accommodation. If approved and accepted, the supervisor will implement it. If the proposed accommodation is not accepted, the parties will continue to engage in the interactive process, or the employee may problem-solve or appeal the decision.

Pregnancy-Related Accommodation

The Pregnant Workers Fairness Act (PWFA) requires employers to reasonably accommodate qualified workers with known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship. Employees may also qualify under the ADA, FMLA, or the PUMP Act depending on circumstances.

Process for Requesting Pregnancy Related Accommodation(s)

Employees or applicants may request a pregnancy-related accommodation at any time, verbally or in writing.

Examples of pregnancy-related accommodations include:

- Permission to sit or drink water;
- Access to closer parking;
- Modified work schedules;
- Appropriately sized uniforms and safety equipment;
- Additional break time to use the bathroom, eat, and rest;
- Additional leave or time off to recover from childbirth; and
- Temporary modification of duties, including relief from strenuous activities or exposure to compounds not safe for pregnancy.

Once the request is received, the agency will engage in the interactive process to identify an appropriate reasonable accommodation. When both the pregnancy-related condition and accommodation are straightforward, the agency may approve the request without further discussion.

The agency will not require an employee to take leave if another reasonable accommodation can be provided.

If approved and accepted, the supervisor will implement the accommodation. If rejected, the employee may problem-solve or appeal the decision.

Nursing Employee Pump Breaks

The FLSA and PUMP Act requires employers to provide reasonable break time and a private space, other than a bathroom, for employees to express breast milk while at work. This right is available for up to one year after the child's birth.

Process for Requesting Breaks to Pump Breast Milk

Employees may request break time to pump breast milk at any time during the first year after the child's birth, verbally or in writing.

Once the request is received, the agency will engage with the employee to determine the frequency and duration of breaks needed. Breaks may vary based on individual circumstances, including the location of the space and time required to set up equipment. Break frequency and duration may also change over time.

Employees who telework are eligible to take pump breaks on the same basis as employees working on-site. An agency will not deny a covered employee a needed break to express breast milk.

Private Space to Pump Breast Milk

- The agency will provide a private space, other than a bathroom, that is:
- Shielded from view
- Free from intrusion from coworkers and the public
- Functional for expressing breast milk

If the space is not dedicated, it must be available when needed. A temporary space is sufficient if it meets privacy requirements.

Agencies must ensure privacy (e.g., lock on the door, signage when the space is in use) and consider whether multiple spaces are needed based on staffing.

Agencies should consider providing amenities such as electrical outlet, sink, refrigerator, table chair, cleaning wipes, dish and hand soap, and other sanitary considerations.

Employees who telework must be free from observation by any employer-provided or required video system while expressing breast milk.

Compensation for Break Time to Pump Breast Milk

Employee's expressing breast milk during break time must either be:

- Completely relieved from duty; or
- Paid for the break time

If an agency already provides paid break time and a nursing employee chooses to use that time to pump, they must be compensated in the same manner as other employees.

Agencies may not require employees to make up time used for compliant pump breaks unless otherwise permitted by law.

Protections Against Discrimination and Retaliation

No employee or applicant shall be disciplined, discriminated against, or retaliated against for requesting reasonable accommodation(s) or break time to pump breast milk.

Specifically, no supervisor or any other employee of the agency may retaliate against an employee or applicant for:

- Requesting a reasonable accommodation;
- Requesting a break to express breast milk;
- Participating in the interactive process; or
- Assisting another employee or applicant in making a request.

Any employee or applicant who believes they have experienced discrimination or retaliation for participating in these protected activities should contact their agency HR department.

Medical Records and Confidentiality

Information regarding an employee's or applicant's medical condition or history will be collected and maintained on separate forms, kept in separate medical files, and treated as confidential in accordance with applicable law. Supervisors and managers may be informed only of necessary work restrictions or accommodations.

Information related to an employee's religious practices, pregnancy-related condition(s), or the need to pump breast milk will also be treated as confidential and shared only as necessary to implement accommodations or comply with legal requirements.