



Nevada Pregnant Workers' Fairness Act - FAQ

September 29, 2017

Effective October 1, 2017, the Nevada Pregnant Workers' Fairness Act (the "Act") requires covered employers to provide reasonable accommodations to their female employees for issues relating to pregnancy, childbirth and other related medical conditions.

What employers are covered under this new law?

Any Nevada employer with 15 or more employees, except contractors licensed under Chapter 624 of the Nevada Revised Statutes who are partially exempt.

What is included in "conditions relating to pregnancy, childbirth, or a related medical condition?"

The list of conditions includes, but is not limited to: a physical or mental condition essential to pregnancy or childbirth; lactation-related medical conditions; pregnancy-induced hypertension; and post-partum depression.

What practices are unlawful?

Under the law, employers are prohibited from:

- 1) Refusing to provide reasonable accommodation to a female employee for a condition relating to pregnancy, childbirth, or a related medical condition, unless such accommodation would impose an undue hardship on the employer;
- 2) Taking adverse action against a female employee who requests or uses reasonable accommodation;
- 3) Denying an employment opportunity to an otherwise qualified female employee solely based on the employee's requestor use of reasonable accommodation;
- 4) Requiring a female employee to accept an accommodation she did not request or choose; and
- 5) Requiring a female employee to take a leave of absence from employment if there is reasonable accommodation available that would allow the employee to continue work.

What are some examples of reasonable accommodations?

- Modifying equipment
- Revising break schedules
- Providing space other than a restroom for the expression of milk
- Providing assistance with manual labor
- Allowing light duty
- Allowing a temporary transfer to a less strenuous or hazardous position



What if an employee requests an accommodation that presents an undue hardship on the employer?

It is up to the employer to prove that there is undue hardship on the employer's business that justifies denying an employee reasonable accommodation. Strictly speaking, if a requested accommodation is reasonable, the employer must accept it.

What notifications are required from the employer?

Employers must provide notice for employees of their rights under the Act. The notice must inform employees that they have the right to be free from discriminatory or unlawful employment practices pursuant to the Act. Employers must present this notice upon commencement of employment for new employees. When an employee notifies her employer that she is pregnant, the employer has 10 days to provide another notice to the employee of her rights under the Act. Finally, employers are required to post a notice of these rights in a conspicuous place at the place of business, in an area easily accessible to its employees.

A sample of the notice can be found here:

http://detr.state.nv.us/PDFS/Nevada_Pregnant_Workers_Fairness_Act.pdf

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