

Manfull Quoted in *Akron Legal News* Story on the PUMP Act and Pregnant Workers Fairness Act

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Ashley Manfull, a partner in the Vorys Akron office and member of the labor and employment group, was quoted in an *Akron Legal News* story titled “New Rules for Employers on Pregnant, Nursing Workers.” The story highlighted what employers need to understand about the PUMP (Providing Urgent Maternal Protections for Nursing Mothers) Act, which took effect on Dec. 29, 2022, the day the legislation was signed by President Biden.

The Story States:

“It requires all employers to provide reasonable break time and a private place for employees to pump or express milk for a nursing child for up to one year after the birth.

The lactation area cannot be located in a public or private bathroom and must be shielded from intrusion and the view of coworkers and the public.

As Vorys, Sater, Seymour and Pease Partner Ashley M. Manfull explains, the Fair Labor Standards Act (FLSA) already required employers to provide these rights to non-exempt hourly workers, now they must do so for all employees regardless of their exemption status.

‘Businesses with 50 employees or less can avoid complying with the new law if the employer can demonstrate that the rule would pose an undue hardship on the company, due to a major difficulty or expense,’ said Manfull. ‘This exception should be used sparingly and only when there is clear evidence of a true hardship.’”

The story also highlighted additional legal changes coming for employers with at least 15 employees. Those employers will soon be required to afford reasonable accommodations to workers and job applicants with “known limitations” related to pregnancy, childbirth or other linked conditions under the Pregnant Workers Fairness Act

(PWFA), which takes effect on June 27, 2023.

The Story States:

“While the ADA does mandate that a worker be able to perform the ‘essential functions’ of the job, with or without an accommodation, Manfull said the PWFA temporarily allows employees and job applicants with ‘known limitations’ related to pregnancy, childbirth or other linked conditions to forego a specific duty or duties in certain circumstances as a ‘reasonable accommodation.’

‘For example, employers could be required to let an employee sit for a period of time, work flexible hours, take additional bathroom breaks or maybe refrain from strenuous activities that are normally part of the job description,’ said Manfull.

As is the case with the ADA, employers must undergo an interactive process to determine if a ‘reasonable accommodation’ can be provided that would not create an ‘undue hardship’ for the business.”

To read the entire story on the Akron Legal News website, [click here](#).