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| Policy Title | Reasonable Accommodations Arising Out of Pregnancy, Childbirth, or Related Medical Conditions |
| Effective Date | May 16, 2023 |
| Supersedes | |
| Approval |  State Personnel Director |
| References | Pregnant Workers Fairness Act “PWFA” Pregnancy Discrimination Act Americans with Disabilities Act of 1990 Title VII of the Civil Rights Act of 1964 IC 22-9-5 IC 22-9-12 Executive Order 21-10 Support for Nursing Parents Policy |

PURPOSE

The State of Indiana (“State”) is committed to supporting pregnant State employees and Applicants by providing reasonable accommodations to address limitations related to pregnancy, childbirth, and related medical conditions and complying with Indiana Executive Order 21-10, the Pregnant Workers Fairness Act, (“PWFA”) and all other applicable laws.

SCOPE

This policy shall apply to all agencies in the executive branch of state government who employ individuals in the State Civil Service.

POLICY STATEMENT

The State encourages an inclusive workforce and where no Undue Hardship is created, will provide State employees and Applicants with Reasonable Accommodations for Known Limitations related to pregnancy, childbirth, and related medical conditions.

The State prohibits adverse employment actions, including with job application procedures, selection, discipline and termination, advancement, compensation, job training, and other terms and conditions of employment on the basis of a Qualified Individual’s pregnancy, childbirth, or related medical condition.

The State prohibits requiring a Qualified Individual to accept an accommodation other than any Reasonable Accommodation arrived at through an Interactive Process, such as requiring State employees to take paid or unpaid leave for such condition if another Reasonable Accommodation can be provided.

The State prohibits retaliation against a Qualified Individual for requesting or using a Reasonable Accommodation or for otherwise opposing employment practices that discriminate based on the Qualified Individual's pregnancy, childbirth, or related medical condition.

DEFINITIONS

Applicant: individual seeking employment with a state agency within the scope of this policy.

Known Limitation: physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employing agency.

Qualified Individual: an employee or Applicant who, with or without Reasonable Accommodation, can perform the Essential Functions of their job. An employee or Applicant shall be considered qualified if: 1) any inability to perform an Essential Function is for a temporary period related to pregnancy, childbirth, or related medical condition; 2) the Essential Function could be performed in the near future; and 3) the inability to perform the Essential Function can be reasonably accommodated.

Essential Functions: Job tasks that are fundamental to the nature of the job and not marginal. Essential functions are generally captured in job descriptions and through the goals and competencies assigned to specific classifications and positions through the performance management system.

Reasonable Accommodation: Modifications or adjustments to the work environment, or to the manner or circumstances under which the duties of the position are customarily performed, which enable a Qualified Individual with a Known Limitation due to pregnancy, childbirth, or related medical condition, to perform the Essential Functions of the position during a temporary period or in the near future. These modifications or adjustments may be made so a Qualified Individual with a Known Limitation due to pregnancy, childbirth, or related medical condition may receive substantially equal benefits and privileges of employment as similarly situated employees without those limitations. Examples of Reasonable Accommodations include: more frequent or longer breaks, acquisition or modification of equipment, alternatives to dress code standards, modification of job assignment or light duty, modified work schedule, and transfer to a less strenuous or less hazardous assignment.

Undue Hardship: An accommodation involving significant difficulty or expense for the employing agency—one that is excessive in cost, disruptive, would substantially impede completion of the agency's mission, would create a danger to the employee or others, or would fundamentally alter the nature of the position. The employing agency is responsible for determining whether a requested accommodation is considered an Undue Hardship in collaboration with the Indiana State Personnel Department (INSPD).

Interactive Process: An informal problem-solving conversation between the employing agency and the employee or Applicant to identify whether the individual requires a Reasonable Accommodation to perform the Essential Functions of their job and, if so, what the accommodation(s) may be. In this conversation, the employee may request an accommodation or offer suggestions for accommodations that will allow them to perform job functions as a Qualified Individual.

RESPONSIBILITIES

Applicants are responsible for:

- Notifying the hiring manager or agency's human resource representative in a timely manner, either orally or in writing, if a Reasonable Accommodation may be needed to effectively participate in the application, interview, and/or examination process.
- Applicants may request a Reasonable Accommodation by contacting INSPD:
 - Phone: 317-233-4686 or for V/TTY: 317-232-4555;

- Email: jobs@spd.IN.gov; or
- Mail: 402 W. Washington Street, Room W161, Indianapolis, IN 46204

Employees are responsible for:

- Notifying their manager or human resources representative, either orally or in writing, of Known Limitations, including a description of the Reasonable Accommodation(s) requested and an explanation how such accommodation will enable them to perform the Essential Functions of their position.
- Completing the appropriate section(s) of the Reasonable Accommodation Request form.
- Participating in the Interactive Process to review Essential Functions and to identify possible Reasonable Accommodations.
- Obtaining and sharing appropriate medical documentation.

Hiring Managers/Supervisors are responsible for:

- Receiving and documenting Reasonable Accommodation requests and promptly forwarding the request to the employing agency's INSPD representative.
- Providing Applicants with Reasonable Accommodations for effective participation in the application process, including a job description.
- Providing employees' their job description, goals, and competencies that identify the Essential Functions of their positions.
- Participating in the Interactive Process with employees and Applicants to facilitate an appropriate response to requests for Reasonable Accommodation.
- Providing employees with Reasonable Accommodations.
- Maintaining confidentiality.
- Monitoring and evaluating the effectiveness of the Reasonable Accommodations with the employees and Applicants.

INSPD is responsible for:

- Receiving, processing, and documenting Reasonable Accommodation requests within the timeframes outlined in the procedures.
- Participating in the Interactive Process with employees and Applicants.
- Completing the appropriate section(s) of the Reasonable Accommodation Request form.
- Documenting the Reasonable Accommodation process in accordance with appropriate record-keeping policies.
- Notifying employees and Applicants of the Reasonable Accommodation decision.
- Maintaining confidentiality.
- Monitoring and evaluating the effectiveness of the Reasonable Accommodations with employees and Applicants.
- Providing information to employees and Applicants about the complaint processes, including the appropriate federal and state authorities.

PROCEDURES

Requesting an Accommodation:

An Applicant or employee may request a Reasonable Accommodation at any time, orally or in writing. A request for a Reasonable Accommodation can also be made by an Applicant's or employee's representative (e.g., family member). If the request is submitted through a third party, the request shall be confirmed with the Applicant or employee. In most situations, Applicants and employees should notify their manager or INSPD human resources representative directly if they believe they need a Reasonable Accommodation or other workplace adjustment because of limitations related to the Applicant or employee's pregnancy, childbirth, or related medical conditions.

Requests for Reasonable Accommodation will be approved if:

1. The employee/Applicant is qualified to perform the Essential Functions of the position they are seeking or currently hold or will be able to perform the Essential Functions of the position in the near future; and
2. The employee/Applicant, if necessary and requested by the State, has provided sufficient documentation to support the existence of a Known Limitation; and
3. The employing agency can make a Reasonable Accommodation without imposing an Undue Hardship.

A. Process for Employee Accommodation Request

Upon receiving notice of an employee's request for a Reasonable Accommodation, the INSPD representative will provide the employee with the Reasonable Accommodation Request form, ([State Form #57178](#)) which the employee must complete and return as indicated.

After a request for accommodation has been made, the INSPD representative will begin the Interactive Process to determine what, if any, accommodation should be provided. The Interactive Process will include the employee requesting the accommodation, the employee's manager, and INSPD representative. The manager's role is to identify Essential Functions and how various potential accommodations might meet operational needs. An effective Interactive Process will address these matters:

1. The nature of the job-related challenge that is generating the request,
2. The Reasonable Accommodations that may be effective, and
3. The plan for implementing Reasonable Accommodations and monitoring effectiveness for the temporary duration of the accommodation.

INSPD will provide the decision to the employee promptly.

A. Process for Applicant Accommodation Requests

Upon receiving notice of an Applicant's need for a Reasonable Accommodation to effectively participate in the application and selection process, the INSPD human resources representative or hiring manager will contact the Applicant to determine what, if any, Reasonable Accommodation should be provided. The State will follow the Interactive Process, if necessary.

Confidentiality

All requests for Reasonable Accommodations and medical documentation collected will be kept confidential in accordance with privacy laws and state policy.

FORMS & RESOURCES

Reasonable Accommodation Request Form | <https://forms.in.gov/Download.aspx?id=15360>