

SEAY | MANAGEMENT CONSULTANTS

The Seay Management Report

June 21, 2023



EEOC Federal Poster Update

The Equal Employment Opportunity Commission has issued an updated "Know Your Rights" poster to reflect the expanded protections for pregnant employees under the Pregnant Workers Fairness Act. Effective June 27, 2023, employers should replace the previous version of the poster with the new one provided below.

Additionally, we have created a summary chart for your reference outlining the federal protections for pregnant and nursing employees.

Contact Us Today:

Toll Free: 888-245-6272

Email: admin@seay.us



Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

Submit an inquiry through the EEOC's public portal:
<https://publicportal.eeoc.gov/Portal/Login.aspx>

Call 1-800-669-4000 (toll free)
1-800-669-6820 (TTY)
1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at
www.eeoc.gov/field-office)

E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.



EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Protected Veteran Status

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Retaliation

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <https://ofccphelpdesk.dol.gov/s/>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <https://www.dol.gov/agencies/ofccp/contact>.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

2023 SUMMARY OF WORKPLACE PROTECTIONS DUE TO PREGNANCY AND NURSING MOTHERS

Regulation	Pregnant Workers Fairness Act (PWFA)	Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	Pregnancy Discrimination Act (PDA)
Enforcement	Federal	Federal	Federal
Effective Date	June 27, 2023	December 29, 2022	October 31, 1978
Provision	Employees and applicants are "qualified" if they with or without a reasonable accommodation, can perform the essential functions of their job position. Provides reasonable accommodations for qualified employees and applicants with temporary physical or mental limitations due to pregnancy, childbirth or related conditions.	Reasonable break time is required for an employee to express breast milk each time there is a need for one year after the child's birth. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion in which the employee can express breast milk.	Amended Title VII of the Civil Rights Act prohibiting employers from discrimination against an employee or applicant due to pregnancy.
Covered employer	15 or more employees	Employers with fewer than 50 employees are not subject to the FLSA break time requirement if they can demonstrate that compliance with the provision would impose an undue hardship.	15 or more employees
Accommodations	An individual is still qualified if the inability to perform an essential function is temporary and could be performed in the near future; and the inability to perform the essential function can be reasonably accommodated. Includes the interactive process and accommodations such as additional restroom breaks, reducing lifting requirements, parking, modified uniforms and safety apparel, flexible hours or providing leave for an employee who does not qualify for leave under the Family and Medical Leave Act (FMLA).	The PUMP Act extends the protections to all employees, nonexempt and exempt. FLSA outlines that time spent to express breast milk is considered "hours worked" if the employee is not completely relieved from duty during the entirety of the break. If a nonexempt employee continues to work, or is interrupted during the break, then they must be paid for the entire break. Exempt employees continue to receive their full weekly salary, regardless of any break.	Leave requests by pregnant employees are to be treated the same as a disabled employee. While pregnancy itself is not a disability under the ADA, some pregnant workers may have conditions related to pregnancy that qualify as a "disability" under the ADA. An employer may have to provide that worker with a reasonable accommodation for the pregnancy-related disability.
Notice Requirements	Provide notice of rights to applicants, all current employees and upon hire, include written policy in the employee handbook and display the current federal FLSA Minimum Wage poster which includes PUMP Act.	Provide notice of rights to all current employees and upon hire, include written policy in the employee handbook and display the most current EEOC "Know Your Rights" poster.	Display the current EEOC "Know Your Rights" poster covering the prohibition of discrimination based sex (including pregnancy. Include written policy in employee handbook.