

## **SIMMONS POLICY ON RIGHTS OF PREGNANT WORKERS**

### **Policy Summary**

In April 2018, the Massachusetts General Legislature enacted the Massachusetts Pregnant Workers Fairness Act. Under this new law, employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. The right to be free from such discrimination includes the right to reasonable accommodations for conditions related to pregnancy.

### **The Right to a Reasonable Accommodation**

Simmons shall provide a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy (which includes, but is not limited to, lactation or the need to express breast milk for a nursing child) to enable the employee to perform the essential functions of the job, unless the requested accommodation would impose an undue hardship to Simmons.

A reasonable accommodation may include, among other things:

- (1) more frequent or longer paid or unpaid breaks;
- (2) time off to attend to a pregnancy complication or recover from childbirth with or without pay;
- (3) acquisition or modification of equipment or seating;
- (4) temporary transfer to a less strenuous or hazardous position;
- (5) job restructuring;
- (6) light duty;
- (7) private non-bathroom space for expressing breast milk;
- (8) assistance with manual labor; or
- (9) a modified work schedule.

If you need a pregnancy-related accommodation, please call the Simmons Human Resources Department and ask to meet or speak with Holly Smulski, Human Resources Generalist, at x2113.

Once you request an accommodation, the feasibility of your requested accommodation will be evaluated and discussed with you and your manager. During this interactive process, Simmons may require you to submit documentation about your need for an accommodation from an appropriate health care or rehabilitation professional. Simmons may also require documentation in the event you seek an extension of the accommodation beyond the originally provided accommodation.

In determining whether an accommodation constitutes an undue hardship, Simmons will consider the nature and cost of the needed accommodation, the effect on expenses and resources, or any other impact of the accommodation on Simmons's program, or business, if any.

If you request a reasonable accommodation, Simmons will not:

- take an adverse action against you for requesting or using a reasonable accommodation;
- deny you an employment opportunity because you need or needed a reasonable accommodation related to a pregnancy;
- require you to accept an accommodation if you believe the accommodation is not necessary to enable you to perform the essential functions of the job;
- demand that you take a leave of absence if another reasonable accommodation would suffice and would not pose an undue hardship to Simmons;
- refuse to hire a person who is pregnant because of the person's pregnancy or condition related to pregnancy where the person can perform the essential functions of the position with a reasonable accommodation that would not impose an undue hardship to Simmons.

Questions about this policy should be directed to Human Resources (x2113) or the Office of the General Counsel (x2768).

Issued: May 2018 by the Office of Human Resources; Amended March 2023