

# MANAGER TRAINING

## Common Mistakes To Avoid When Your Employee Is Expecting



Ensuring that you are addressing your employee's pregnancy appropriately can be a daunting task for a manager or HR professional. Below is a list of basic information that will help you avoid mistakes employers commonly make when an employee is pregnant:

### 1. Hiring

- a. Asking a candidate if she is pregnant (or if she intends to become pregnant).
- b. Failing to hire a candidate because she is pregnant (or intends to become pregnant).

### 2. New Employee

- a. Disciplining (or terminating) a new employee because she didn't disclose her pregnancy during interview.

### 3. During Employment

- a. Assuming (without asking) that the pregnant employee will be unable to perform certain job duties and changing her work assignment.
- b. Assigning the pregnant employee light duty because you are concerned for the safety of the unborn baby/employee.
- c. Failing to engage in the interactive process with pregnant employee to determine reasonable accommodation.
- d. Forcing the pregnant employee to take a leave of absence when she (or her medical provider) has not requested one.
- e. Failing to provide an employee with reasonable accommodation when she and/or her medical provider has requested one.
- f. Failing to provide a qualifying pregnant employee with protected leave of absence (i.e. leave as a reasonable accommodation for pregnancy-related disability, pregnancy disability leave, and/or federal/state family medical leave).

### 4. During Leave

- a. Misunderstanding how a state's pregnancy disability leave laws (when applicable) interact with federal (and state) family medical leave law.
- b. Failing to document the pregnant employee's leave of absence.
- c. Failing to designate the leave of absence as federal and/or state family medical leave.
- d. Failing to communicate with pregnant employee during the leave of absence to determine the plan for return to work.
- e. Assuming that a pregnant employee will not return to work following childbirth and filling her position.
- f. Terminating the pregnant employee because you have uncovered deficiencies with her job performance during her leave.
- g. Terminating the pregnant employee because you prefer the work to be completed by the temporary replacement.
- h. Terminating the employee after her pregnancy disability leave and/or family medical leave expires without exploring an extended leave of absence as a reasonable accommodation.

### 5. Returning to work

- a. Failing to return employee to same position, same schedule, and/or same pay rate she had prior to her pregnancy.
- b. Failing to allow a breastfeeding employee reasonable time to pump at work.
- c. Requiring the employee to pump in the bathroom.
- d. Failing to provide the employee with a private location to pump.