

January 13, 2020

The Honorable Bobby Scott
Chairman
Committee on Education and Labor
U. S. House of Representatives
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Scott and Ranking Member Foxx:

We urge the Committee to approve the manager's amendment to H.R. 2694, the Pregnant Workers Fairness Act (PWFA), unchanged during the anticipated markup on Tuesday, January 14. The substitute represents extensive collaboration between advocates for this bill and the employer community.

Together, we believe the negotiated PWFA is a balanced approach to ensuring that pregnant employees have the maximum opportunity to stay in the workplace, which is critical to the economic security of America's women and families. There is considerable confusion about what employers are required to do to accommodate pregnant workers. The revised PWFA would clarify an employer's obligation to accommodate a pregnant employee, or applicant, with a known limitation that interferes with her ability to perform some essential functions of her position.

The manager's amendment takes advantage of the widely known and accepted interactive process associated with the Americans with Disabilities Act (ADA) that is used to find reasonable accommodations for employees covered by the ADA. It specifies that requiring the employee to take leave can only happen after the employer and employee have determined that no other accommodation is appropriate. The revised bill also carries forward the 15-or-more-employee threshold from the ADA.

With the manager's amendment, this is a strong bill and a reminder that through good faith negotiations, legislative solutions to important questions and problems can be found. We believe strongly that the manager's amendment deserves to be approved with no changes.

Sincerely,

A Better Balance
National Partnership for Women & Families
National Women's Law Center
The American Civil Liberties Union
U.S. Chamber of Commerce

cc: Members of the Committee on Education and Labor