

REASONABLE ACCOMMODATIONS FOR COLORADO EMPLOYEES AND APPLICANTS WITH HEALTH CONDITIONS RELATED TO PREGNANCY AND CHILDBIRTH

Reasonable Accommodations for Pregnancy, Childbirth and Related Conditions

Colorado employers are required to provide reasonable accommodations to employees and applicants for employment who request a reasonable accommodation for a health condition related to pregnancy, the physical recovery from childbirth, or related condition, in order to perform the essential functions of their job, unless the accommodation would impose an undue hardship on the employer's business.

If an employee or applicant for employment requests such an accommodation, the employer must engage in a timely, good faith, and interactive process with the employee or applicant to determine effective, reasonable accommodations.

What Are Reasonable Accommodations?

Reasonable accommodations may include, but are not limited to:

- More frequent or longer break periods
- More frequent restroom, food, and water breaks
- Providing or modifying seating or other work equipment
- Temporary restrictions on lifting
- Temporary transfer to a less strenuous or hazardous position if available
- Temporarily restructuring the employee's position to provide light duty or a modified schedule
- Assistance with manual labor, if available

Employers are not required to provide an accommodation that would impose an undue hardship, which is an accommodation that would require significant difficulty or expense for the employer, considering factors such as the nature and cost of the accommodation, the impact of the accommodation on the employer's operations, and the nature and size of the employer's business and its financial resources.

Employers are also not required to: (i) hire employees that the employer would not otherwise have hired; (ii) discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job; (iii) create a new position (including a light duty position) unless it would be provided for another equivalent employee; or (iv) provide paid leave beyond that which would be provided to similarly situated employees.

Certification from Health Care Provider

Employers may require a certification from a licensed healthcare provider stating the necessity of a reasonable accommodation for pregnancy, childbirth or related condition before providing a reasonable accommodation.

Other Protections

Employers may not:

- Take an adverse action against an employee or applicant who requests or uses a reasonable accommodation for pregnancy, childbirth or related condition
- Require an employee or applicant to accept an accommodation for pregnancy, childbirth or related condition if the applicant or employee has not requested one or if the accommodation is unnecessary for the applicant or employee to perform the essential functions of the job
- Deny employment opportunities to an employee or applicant based on the need to make a reasonable accommodation for pregnancy, childbirth or related condition
- Require the employee to take a leave of absence if the employer can provide another reasonable accommodation for the employee's pregnancy, childbirth or related condition

For more information, contact the Human Resources Department.