

# PDA Cheat Sheet

## What Employers Are Covered?

Those with 15 or more employees

## What Employees Are Covered?

Applicants and employees who are pregnant, give birth, or have “related” medical conditions

## What’s Prohibited?

Discrimination against women in any aspect of employment because of pregnancy, childbirth or related medical conditions

## What’s Required?

That women who are pregnant or affected by related conditions be treated in the same manner as other applicants or employees with similar abilities or limitations

## What are “Related Conditions”?

Federal courts have recently defined “related conditions” to include abortion and in vitro fertilization procedures

## What’s the Effect on Insurance Plans?

- Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions
- Pregnancy-related expenses must be reimbursed in the same manner as those incurred for other medical conditions
- Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees

## What’s the Effect on Benefits?

- Pregnancy-related benefits cannot be limited to married employees
- If an employer provides benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions

## Does the PDA Provide Leave?

No. However, employers should be aware that:

- The FMLA allows unpaid leave for childbirth, adoptions and foster care placements and for an employee’s serious health condition, which can include complications or conditions relating to pregnancy and childbirth
- The ADA may provide for leave for pregnant employees or employees with a pregnancy-related condition in limited circumstances

## Top PDA Tips

- The PDA is an amendment to Title VII of the Civil Rights Act of 1964
- Pregnant employees can’t be forced to take leave or remain on leave as long as they are able to perform their jobs
- Employers can’t have a rule that prohibits an employee from returning to work for a pre-determined period after childbirth
- Employers must hold a job open for a pregnant employee for the same length of time it would hold open a job for employees on sick or disability leave
- The PDA does not prohibit employment practices that favor pregnant women -- employers should consider PDA obligations a floor, not a ceiling
- Generally, pregnancy is not covered under the ADA, but where an employee experiences substantial complications that limit a major life activity, she may be considered disabled under the ADA and entitled to an accommodation