



**DEPARTMENT OF THE ARMY**  
**ARMY REVIEW BOARDS AGENCY**  
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**ARLINGTON, VA 22202-3531**

SAMR-RB (690-12)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Department of the Army Guidance for Complying with the Pregnant Workers Fairness Act

1. References.

- a. Rehabilitation Act of 1973, as amended, Public Law No. 114–95, Enacted 10 December 2015.
- b. Part 1630, Title 29, Code of Federal Regulations (CFR), Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities.
- c. Part 1636, Title 29, CFR, Regulations to Implement the Pregnant Workers Fairness Act.
- d. Army Regulation (AR) 690-12, (Equal Employment Opportunity Programs), published 6 February 2025.
- e. Memorandum, SUBJECT: Department of the Army Interim Guidance for Complying with the Pregnant Workers Fairness Act, 27 June 2023

2. This memorandum provides guidance on complying with the Pregnant Workers Fairness Act (PWFA) of 2022. The PWFA took effect on 27 June 2023, and Department of the Army (DA) issued interim guidance the same day (Reference e). The Equal Employment Opportunity Commission (EEOC) issued the implementing regulation (Reference c) on 15 April 2024. Pending publication of revised Reference d, reasonable accommodation (RA) procedures in AR 690-12, Appendix C, and the EEOC regulations (Reference c) govern the implementation of the PWFA.

3. The PWFA amends the Rehabilitation Act of 1973, as amended (Rehabilitation Act), under which covered employers, to include DA, provide RA to qualified applicants and employees with disabilities. The PWFA expands that coverage by requiring federal agency employers to provide RA for a worker's known limitations related to pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, regardless of whether the conditions qualify as disabilities, unless the accommodations would impose an "undue hardship" on the employer's operations, as defined in 29 CFR 1630.2(p).

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a. The RA process under the Rehabilitation Act involves an individualized assessment and interactive process between the individual and the designated decision-maker to determine if the individual is qualified for the job they hold or desire, if they have a covered disability, and if they require RA to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of employment.

b. The RA process under the PWFA is the same, except that eligibility is not dependent on the existence of a disability and, thus, the definition of “qualified” is different. Under the PFWA, pregnancy, childbirth, and certain related medical conditions are not disabilities in and of themselves. The PWFA also specifically covers temporary inability to perform an essential job function, whereas the Rehabilitation Act does not require removal of any essential job functions as RA.

4. Individuals who wish to request an accommodation under the PWFA should follow the RA procedures outlined in AR 690-12, Appendix C. Individuals requesting RA are to contact their supervisor and/or their servicing Equal Employment Opportunity (EEO) Office. Where the need for accommodation is due entirely to functional limitations covered by the PWFA, medical information related to disability is not applicable, and should not be collected. The sample template provided at AR 690-12 Figure C-2 is readily adaptable for this purpose.

5. DA EEO Officers oversee, manage, and track the RA process in their serviced areas. They serve as neutral advisors on the RA policy and procedures for applicants, employees and management, and retain all records relating to RA requests.

6. The PWFA also requires covered employers to post a notice describing the law's protections. An infographic and fact sheet on the PWFA provided by the EEOC are enclosed for posting at your facility in places where such notices are normally posted.

7. Point of contact for questions concerning the PWFA is Ms. Rosemary Salak, DA Disability Program Manager at [rosemary.salak.civ@army.mil](mailto:rosemary.salak.civ@army.mil).

Encls

MICHAEL O. LACEY  
Deputy Assistant Secretary of the Army  
(Review Boards)

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army  
Commander

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