

## Pregnancy Discrimination Act Requires Employers To Accommodate Breastfeeding Employees

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**Mark D.  
Scudder**  
Partner

The U.S. Court of Appeals for the Eleventh Circuit recently affirmed a district court decision in favor of a police officer who argued that her employer failed to accommodate her so she could breastfeed. In *Hicks v. City of Tuscaloosa*, officer Hicks requested an alternative duty upon her return from maternity leave. Normally, she was required to wear a bulletproof vest, but her doctor said that wearing the vest could cause infection and prevent her from breastfeeding. Hicks requested a duty that would not require the vest and resigned when her employer refused. In finding for Hicks, the Eleventh Circuit held that the Pregnancy Discrimination Act (PDA) barred discrimination not only on the basis of pregnancy, but also on the basis of pregnancy-related physiological conditions such as breastfeeding. The court compared Hicks' situation to *Young v. United Parcel Service, Inc.*—the U.S. Supreme Court's 2015 decision that held the PDA bars employers from refusing to accommodate pregnant employees when they provide accommodations for similarly situated employees who are not pregnant. Since Hicks showed that her employer had provided alternative duties to employees with temporary injuries, the failure to provide Hicks with an alternative duty constituted pregnancy discrimination. The key takeaway here is that even if an employee's pregnancy does not constitute a disability under the Americans with Disabilities Act, she may be entitled to an accommodation under the PDA for her pregnancy—or a related condition.

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