

Accommodation and Protected Leave Decision Guide

A practical routing guide for HR and managers

2027 CURRICULUM | ACCOMMODATIONS AND PROTECTED ISSUES

Use this guide when an employee or applicant raises a health, pregnancy, religious, leave, scheduling, lactation, military-service, or workplace-practice concern and you need to determine which process to open. The same facts may trigger more than one law. Route the request under every potentially applicable process before deciding what the organization can approve, modify, or deny.

This guide is designed to help employers identify issues, preserve deadlines, and document a consistent review. It does not replace CEA’s detailed Religious Accommodation Response Guide or PWFA Employer Guide.

Use this guide to	Do not use this guide to
Recognize a possible request even when the employee does not use legal terms	Make a final legal conclusion from a single fact
Identify overlapping federal and state processes	Demand medical or religious documentation automatically
Assign the request, preserve confidentiality, and track follow-up	Promise an outcome before HR completes the review
Know when prompt legal review is warranted	Replace advice from qualified employment counsel

Educational use and legal review

This guide provides general educational information and does not constitute legal advice, create an attorney-client relationship, or determine how any law applies to a particular employer or employee. Federal, state, and local requirements change and may provide different or greater protections. Employers should consult qualified legal counsel about specific requests, final denials, religious-objection issues, multi-state operations, and any matter involving threatened litigation or an agency charge.

Version 1.0 | Prepared for the CEA Member Portal | September 2026

How to Use This Guide

Start with the employee’s words, not a legal label. A statement such as “I cannot work Saturdays because of my faith,” “my doctor limited lifting,” “I need time for prenatal appointments,” or “I am having trouble concentrating because of treatment” may start a protected process even if the employee never says “accommodation,” “ADA,” “PWFA,” or “FMLA.”

The first objective is safe routing. HR can determine the governing standards after the request is received, documented, and separated from ordinary performance management.

Contents

Section	Purpose
1 The First Response	What the manager says and does when a concern is raised
2 The Routing Matrix	Which laws and internal processes may apply
3 The Decision Process	How HR evaluates options and documents the result
4 Law Specific Review	Key federal distinctions for religious, disability, pregnancy, leave, lactation, and military service
5 High Risk Situations	When to pause and obtain legal review
6 Forms and Checklists	Repeatable tools for intake, tracking, and annual readiness

Four rules for every request

1. Treat notice broadly. Employees do not need to cite a statute or submit a special form before the employer recognizes a possible request.
2. Route overlapping issues in parallel. Pregnancy may implicate the PWFA, ADA, FMLA, PUMP Act, state leave laws, and workers’ compensation rules at the same time.
3. Request only information that is permitted and genuinely needed. Documentation rules differ by law and by circumstance.
4. Keep the process moving. An unnecessary delay can create risk even when the eventual accommodation would have been lawful.

Coverage reminder

Employee-count thresholds are only a starting point. Some federal laws apply regardless of size, and state or local laws may cover smaller employers. Related entities may sometimes be counted together. Confirm coverage with counsel when the answer is uncertain.

The First Response

A manager's job is to recognize the issue, respond neutrally, protect the employee from retaliation, and send the matter to the designated HR contact. The manager should not diagnose, debate sincerity, request records, promise an accommodation, or announce a denial.

Recommended manager script

"Thank you for telling me. I am going to send this to the person who handles accommodation and leave requests so we can understand what you need and what options may be available. Please do not send medical details to me unless HR asks you to do so. HR will contact you about next steps."

Same day manager actions

- ☐ Write down the employee's own words, the date and time, the requested change if one was identified, and any stated deadline or urgent safety concern.
- ☐ Send the information to the designated HR or accommodation contact the same business day.
- ☐ Tell HR about related attendance, performance, discipline, safety, workers' compensation, or leave issues without drawing conclusions.
- ☐ Limit disclosure to people who need the information to evaluate or implement the request.
- ☐ Continue normal, respectful supervision while HR reviews the request. Do not penalize the employee for raising it.

Statements managers should avoid

Avoid	Why
"We do not make exceptions."	It suggests the employer has skipped an individualized review.
"You do not look disabled."	Visible symptoms are not required, and medical information should be handled by HR.
"Bring me your diagnosis."	The law may limit whether and what documentation can be requested.
"That belief is not reasonable."	Religious review generally addresses sincerity and conflict, not whether the belief is logical or acceptable.
"You have used all your leave."	Other accommodation or leave duties may remain after one leave bank is exhausted.
"If you cannot do every duty today, you cannot work here."	Temporary changes or other effective options may require consideration.

Emergency and safety issues

If the employee reports an immediate medical emergency, threat of harm, workplace violence concern, or urgent safety risk, follow the organization's emergency procedure first. Then notify HR. Do not delay emergency assistance while deciding which employment law applies.

The Routing Matrix

Use the matrix as an issue-spotting tool. More than one row may apply. Open each relevant review and coordinate the deadlines and communications through one designated HR owner.

Employee statement or fact	Possible route	Immediate HR question
Religious practice, observance, dress, grooming, schedule, speech, vaccination, or conflict with a work requirement	Title VII religious accommodation; state law; CEA injunction or related protection	What work requirement conflicts with a sincerely held religious belief or practice?
Physical or mental impairment affects work, attendance, communication, concentration, mobility, or a workplace rule	ADA; state disability law; FMLA; workers' compensation	What job-related limitation is described, and what change may help?
Pregnancy, childbirth, recovery, miscarriage, fertility treatment, lactation, or a related limitation	PWFA; Pregnancy Discrimination Act; ADA; FMLA; PUMP Act; state law	Is a temporary change, break, leave, schedule adjustment, or duty modification requested?
Employee needs time away for the employee's own serious health condition or to care for a covered family member	FMLA; ADA; PWFA; paid sick or family leave; company leave	Is the employer covered and is the employee potentially eligible for protected leave?
Need to express breast milk or obtain a private space	FLSA PUMP protections; PWFA; state law	Can compliant break time and a private, non-bathroom space be provided immediately?
Military duty, return from service, service-connected disability, or related discrimination concern	USERRA; ADA; military leave policy; state law	What notice or return-to-work obligation applies, and is an accommodation needed?
Injury or illness may have been caused or aggravated by work	Workers' compensation; ADA; FMLA; safety reporting	Has the required injury report been made without delaying accommodation review?
Request relates to a protected characteristic, complaint, investigation, or opposition to discrimination	Anti-discrimination and anti-retaliation process	Should the matter be routed separately to employee relations or counsel?

Do not force a single route

FMLA leave does not eliminate a possible ADA accommodation. Workers' compensation status does not decide ADA eligibility. A pregnancy-related limitation may qualify under the PWFA without meeting the ADA definition of disability. A request may also involve a religious objection to a proposed accommodation or benefit. Analyze each applicable framework separately, then coordinate one practical response.

The Decision Process

The steps below provide a common process. Each governing law may change what information can be requested, what standard applies, and which options must be considered.

Step 1 Confirm receipt and stabilize the situation

- Acknowledge the request promptly and identify the HR contact.
- Record the employee's words and requested change without adding assumptions.
- Identify urgent safety, payroll, leave, benefits, schedule, or disciplinary deadlines.
- Consider a temporary measure while the review is pending when delay could cause harm or unnecessary absence.

Step 2 Identify every possible legal route

- Apply the routing matrix and check the employee's work state and local jurisdiction.
- Confirm employer coverage and employee eligibility separately for each law.
- Flag any CEA injunction, religious-organization defense, ministerial issue, collective bargaining provision, contract, or benefit-plan term for counsel review.

Step 3 Define the limitation or conflict

For disability, pregnancy, and leave matters, focus on the work-related limitation, expected duration, and functions affected. For a religious request, identify the sincerely held belief or practice and the specific work requirement that creates the conflict. Do not investigate beyond what the applicable standard permits.

Step 4 Gather only permitted information

Use the least intrusive method that supplies the missing information. An employee's statement may be enough. When documentation is permitted, explain what information is needed and why. Do not request complete medical records. Keep medical information in a confidential file separate from the personnel file.

Step 5 Identify effective options

- Ask the employee what change would address the limitation or conflict.
- Review the essential functions, worksite facts, schedule, staffing, safety requirements, and available alternatives.
- Consider the employee's preferred option, but evaluate other effective options when appropriate.
- Document options considered, facts verified, participants consulted, and the reason for the selected response.

Step 6 Apply the correct hardship standard

Do not use "undue hardship" as a single universal test. The religious-accommodation, ADA, and PWFA analyses use different statutory language and case law. FMLA generally creates leave

entitlements rather than a reasonable-accommodation balancing test. Confirm the correct standard before relying on cost, staffing, safety, burden on coworkers, or operational difficulty.

Step 7 Communicate and monitor

- Give the employee a clear written response, start date, expected duration, and point of contact.
- Explain any conditions, reporting expectations, or review date without disclosing confidential information to others.
- Train the implementing manager only on what the manager needs to know.
- Revisit the arrangement if circumstances, job duties, medical restrictions, or effectiveness change.

Federal Framework Comparison

Framework	Typical coverage	Core question	Documentation caution
Title VII religious accommodation	Generally employers with 15 or more employees; state law may be broader	Can the conflict be reasonably accommodated without substantial increased costs in relation to the conduct of the particular business?	Seek explanation only when the employer has an objective basis to question religious nature or sincerity; avoid judging plausibility.
ADA	Generally employers with 15 or more employees; state law may be broader	Can a qualified individual perform essential functions with a reasonable accommodation, absent undue hardship?	Medical inquiry must be job-related and consistent with business necessity; request limited supporting information when permitted.
PWFA	Generally employers with 15 or more employees	Can a known limitation related to pregnancy, childbirth, or a related medical condition be reasonably accommodated, absent undue hardship?	Documentation is prohibited or limited in several circumstances; consult the current rule and guidance.
FMLA	Covered private employers generally have 50 employees for 20 workweeks; public agencies and schools have separate coverage rules	Is the employee eligible for protected leave for a qualifying reason, and have notices and certification steps been followed?	Use authorized certification procedures and deadlines; do not seek genetic information or unrelated records.
PUMP protections	Most employees covered by the FLSA; a narrow hardship defense applies to some employers with fewer than 50 employees	Are reasonable break time and a private space other than a bathroom available for one year after birth?	A routine request for a compliant space normally does not require medical proof.
USERRA	Virtually all employers, regardless of size	Are military leave, reemployment, nondiscrimination, benefits, or service-connected disability duties implicated?	Do not impose documentation demands beyond USERRA's timing and reemployment rules.

Thresholds are not conclusions

The table summarizes common federal starting points. It does not address all counting rules, joint-employer or integrated-enterprise questions, public-sector rules, church-plan issues, state-law thresholds, or local ordinances. Confirm the correct rule for the employer and work location.

Religious Accommodation Review

Use CEA's Religious Accommodation Response Guide for the full process, forms, scripts, and sample letters. This section identifies routing points when a religious concern appears within a broader accommodation or leave matter.

What starts the process

The employee must generally give enough information for the employer to understand that a work requirement conflicts with a religious belief, practice, or observance. No particular phrase or form is required. Religion is construed broadly and may include practices unfamiliar to the employer.

Sincerity review

Ordinarily, assume sincerity. If objective facts create a genuine reason for doubt, make a limited and respectful inquiry. Inconsistency, timing, secular conduct, or prior nonobservance may be relevant in context but rarely decides sincerity alone. Do not test whether a belief is correct, logical, widely shared, or approved by a religious leader.

The Groff hardship standard

After *Groff v. DeJoy*, an employer relying on undue hardship under Title VII must show that the proposed accommodation would impose substantial increased costs in relation to the conduct of the particular business. A minor or speculative burden is not enough. Effects on coworkers matter only when they affect the conduct of the business. Consider practical alternatives before denying the request.

Religious issues that require counsel review

- A request conflicts with a nondiscrimination, pronoun, facility, dress, vaccination, benefit, reproductive-health, or customer-service requirement.
- The employer may rely on a CEA injunction, religious-organization protection, ministerial exception, church autonomy doctrine, or statutory exemption.
- The requested accommodation could affect another employee's legal rights or create a material safety concern.
- The employer is considering denial, unpaid status, discipline, transfer, or termination.
- The employee challenges the religious nature or moral content of an employer policy.

Disability Accommodation Review

A request may arise through a direct statement, a doctor's restriction, repeated leave, a return-to-work note, or an observable difficulty. HR should determine whether the employee is a qualified individual, identify essential job functions, and engage in a timely interactive process.

Common options to evaluate

- Modified equipment or workspace
- Schedule or break changes
- Remote work when effective for the position
- Leave or intermittent leave
- Policy modification
- Communication aids or accessible materials
- Reassignment to a vacant position when required and appropriate

Avoid fixed rules that automatically require "100 percent healed," prohibit all restrictions, cap leave without individual review, or exclude every employee taking certain medications. Safety decisions should rely on objective evidence and the applicable direct-threat standard.

Pregnancy and Related Limitations

Use CEA's PWFA Employer Guide for the current legal and litigation analysis. This section helps HR route pregnancy-related requests across all potentially applicable processes.

Issues that may overlap

Issue	Processes to check
Temporary lifting, standing, bending, schedule, food, water, restroom, or appointment needs	PWFA; ADA if a disability is involved; state pregnancy law
Prenatal appointments, bed rest, childbirth, recovery, miscarriage, or episodic incapacity	PWFA; FMLA; ADA; employer leave; state paid or protected leave
Lactation breaks or pumping space	PUMP Act; PWFA; state law
Adverse treatment because of pregnancy or a related condition	Pregnancy Discrimination Act; Title VII; state law
A requested action implicates the employer's religious convictions	PWFA defenses or exemptions; Title VII religious protections; CEA injunctions; counsel review

Documentation caution

Do not use the ADA documentation process automatically. The PWFA restricts when supporting documentation may be requested, and some common accommodations should ordinarily be

handled through a simple employee statement. Consult the current PWFA rule, agency guidance, CEA resources, and counsel before asking for documentation in a contested or sensitive matter.

Leave and Attendance Review

An absence may trigger several processes even when the employee has not requested “leave.” HR should coordinate FMLA, ADA, PWFA, workers’ compensation, paid leave, attendance policies, and applicable state programs.

FMLA federal eligibility screen

- ☐ Is the employer covered?
- ☐ Has the employee worked for the employer for at least 12 months in total, subject to the applicable break-in-service rules?
- ☐ Has the employee worked at least 1,250 hours during the 12 months immediately before leave begins?
- ☐ Does the employee work at, or report to, a location where the employer has at least 50 employees within 75 miles?
- ☐ Is the reason qualifying, and have the required eligibility, rights, designation, and certification notices been sent on time?

Do not end the analysis when FMLA is unavailable or exhausted. Additional leave, schedule changes, or another accommodation may still require consideration under the ADA, PWFA, state law, or employer policy.

Lactation and Pumping Requests

Most FLSA-covered employees are entitled to reasonable break time and a private place, other than a bathroom, shielded from view and free from intrusion, to express breast milk for one year after the child’s birth. State law may provide longer or broader protection. The space need not be permanently dedicated if it is available when needed and meets the privacy requirements.

Immediate checklist

- ☐ Identify a compliant space and a method to prevent intrusion.
- ☐ Discuss the employee’s anticipated schedule without imposing a rigid limit that defeats reasonable break needs.
- ☐ Review compensation rules for breaks, including whether the employee is completely relieved from duty and whether paid-break policies apply.
- ☐ Check the PWFA and state-law processes for additional lactation-related limitations.
- ☐ Do not reduce hours, opportunities, assignments, or evaluation ratings because the employee uses protected break time.

Military Service and Service Connected Disability

USERRA protects military leave, reemployment, benefits, and freedom from discrimination and retaliation. It applies broadly, including to small employers. A returning service member with a disability incurred or aggravated during service may be entitled to efforts beyond the ordinary reemployment sequence. The ADA may also apply. Route these matters promptly to HR and counsel because deadlines, position rights, and documentation rules are specialized.

Workplace Injury and Workers Compensation

A workers' compensation claim and an accommodation review are separate processes. Filing a claim does not establish or defeat ADA coverage, FMLA eligibility, or the need for an accommodation. Complete required injury reporting, preserve safety evidence, and coordinate restrictions through HR without asking the supervisor to interpret medical information.

Protected Complaints and Retaliation

An employee who requests an accommodation, takes protected leave, reports discrimination, participates in an investigation, or raises certain safety or wage concerns may be protected from retaliation. Separate the protected activity from legitimate performance management. Before discipline, reassignment, schedule reduction, or termination, confirm that the decision is supported by consistent documentation and has been reviewed by HR. Seek counsel when timing or decision-maker comments could create an inference of retaliation.

High Risk Situations

Pause final action and obtain qualified employment counsel when any of the following is present. Interim safety or emergency steps may still proceed.

Trigger	Why review is needed
Proposed denial of an accommodation or leave request	The governing standard, factual record, alternatives, and written explanation should be tested before the decision is final.
Termination, final warning, demotion, unpaid suspension, or loss of benefits close to a request	The timing may create retaliation, interference, discrimination, or failure-to-accommodate risk.
Conflict involving religious convictions, abortion, gender identity, pronouns, facilities, reproductive benefits, or mandated speech	CEA injunctions, statutory defenses, competing rights, and changing litigation may affect the analysis.
Safety or direct-threat concern	The decision must rest on objective, individualized evidence rather than assumptions.
Indefinite, repeated, or extended leave	ADA, FMLA, PWFA, state leave, and benefit-plan requirements may overlap.
Request for complete medical records, diagnosis, genetic	Federal and state rules restrict medical and genetic

Trigger	Why review is needed
information, or family medical history	inquiries and confidentiality.
Multiple employees request the same schedule exception or exemption	Consistency matters, but individualized review is still required.
Union agreement, government contract, licensing rule, or security requirement is involved	External obligations may affect available options and hardship analysis.
Multi-state employee, remote worker, or transfer across jurisdictions	The employee's work location may trigger state and local protections.
Agency charge, demand letter, threat of litigation, or preservation notice	The organization should preserve documents and coordinate communications through counsel.

Decision record

The file should show what the employee communicated, when the employer responded, which legal routes were considered, what information was requested and received, which options were evaluated, what operational facts were verified, why the selected option was effective, and when the arrangement will be reviewed. Avoid conclusions unsupported by facts and avoid unnecessary medical or religious detail.

Accommodation Intake and Routing Worksheet

Use this worksheet as an internal HR record. Store medical information separately from the personnel file and restrict access.

Employee or applicant: _____

Job title and location: _____

Manager: _____

Date first notice received: _____

HR owner: _____

Requested response date: _____

Preferred communication method:

Employee's words and requested change

Possible routes

- ☐ Religious accommodation
- ☐ ADA or state disability accommodation
- ☐ PWFA or state pregnancy accommodation
- ☐ FMLA or other protected leave
- ☐ PUMP or lactation protection
- ☐ Workers' compensation
- ☐ USERRA or military leave
- ☐ Anti-retaliation or complaint process
- ☐ Other state or local protection

Immediate questions

- ☐ Is there an emergency or immediate safety issue?
- ☐ Is a deadline, absence, discipline, benefit, or pay decision pending?
- ☐ Would a temporary measure preserve work or prevent avoidable harm while review continues?
- ☐ Which jurisdictions and employee-count rules must be checked?
- ☐ Does the matter require counsel review before requesting documentation or communicating a decision?

Next actions

Action	Owner	Due date	Completed
			☐
			☐
			☐
			☐
			☐

Accommodation Review Worksheet

Request number: _____

Governing process or processes: _____

Essential function or work requirement involved:

Expected duration: _____

Information received: _____

Information still needed and lawful basis for requesting it:

Options considered

Option	Effective	Operational facts	Employee input	Disposition
	☐ Yes ☐ No			
	☐ Yes ☐ No			
	☐ Yes ☐ No			
	☐ Yes ☐ No			

Hardship analysis

Applicable legal standard: _____

Verified costs, staffing effects, safety facts, contractual requirements, and other operational evidence:

Decision and implementation

- ☐ Approved as requested
- ☐ Approved with an effective alternative
- ☐ Temporary accommodation while review continues
- ☐ More information requested
- ☐ Denied after counsel review
- ☐ Other

Written response date: _____

Effective date: _____

Review date: _____

Implementing manager notified: _____

Confidentiality instructions provided: _____

Counsel review completed: _____

Annual Readiness Review

Complete this review at least annually and after a material legal, policy, staffing, or operational change.

Policy and ownership

- ☐ The handbook identifies how employees may request accommodations and protected leave.
- ☐ Employees may make requests through more than one accessible channel.
- ☐ A primary HR owner and backup owner are named.
- ☐ Multi-state addenda and required notices are current.
- ☐ Religious, disability, pregnancy, leave, lactation, military, injury, and retaliation processes are coordinated.

Manager readiness

- ☐ Managers receive annual training on recognizing requests and escalating them promptly.
- ☐ Managers know the approved intake script and what not to ask.
- ☐ Managers understand confidentiality and anti-retaliation expectations.
- ☐ Front-line, remote, overnight, and temporary supervisors are included.

Forms and records

- ☐ Forms do not require unnecessary medical, genetic, or religious information.
- ☐ Medical records are stored separately with restricted access.
- ☐ The tracker records receipt, deadlines, communications, decisions, and review dates.
- ☐ Approval, alternative, temporary, extension, and denial letters are current.
- ☐ Document-retention and litigation-hold procedures are coordinated with counsel.

Operational readiness

- ☐ Lactation spaces and privacy procedures are identified at each worksite.
- ☐ Essential job functions are accurate and supported by current job descriptions and actual practice.
- ☐ Remote-work, schedule, reassignment, leave, safety, and return-to-work procedures are consistent.

- ☐ Benefit vendors, leave administrators, payroll, safety, and workers' compensation contacts know escalation responsibilities.
- ☐ CEA injunction documents and membership requirements are maintained and accessible to the authorized decision-makers.

Review completed by: _____ Date: _____

Corrective actions due: _____

Federal Source List

These sources provide federal baselines. Employers should also review current state and local law, controlling court decisions, CEA member resources, and advice from qualified counsel.

- [U.S. Supreme Court Groff v DeJoy opinion](#)
- [EEOC Religious Discrimination](#)
- [EEOC Reasonable Accommodation under the ADA](#)
- [EEOC Pregnant Workers Fairness Act](#)
- [U.S. Department of Labor Employer Guide to the FMLA](#)
- [U.S. Department of Labor FLSA Protections to Pump at Work](#)
- [U.S. Department of Labor USERRA](#)

Related CEA member resources

- Religious Accommodation Response Guide
- Christian Employers Guide to the Pregnant Workers Fairness Act
- Faith Based Employee Handbook Guide
- Workplace Speech Pronouns Facilities and Dress Code Policy Guide
- EEOC Charge Response Playbook and Checklist

Publication note

Before publication, CEA should have employment counsel review the legal descriptions, state-law instructions, sample forms, and any references to current injunctions or agency enforcement positions. This guide is educational and does not create an attorney-client relationship.