

HR AND WORKFORCE POLICY SERIES

PWFA Member Response Checklist

Expanded operational checklist for HR leaders and decision makers

USE WITH THE PWFA RESPONSE PLAYBOOK

This checklist turns the full playbook into a step-by-step case tool. Complete it from intake through follow-up, preserve it in the confidential accommodation file, and contact CEA counsel whenever an escalation trigger appears.

The nonnegotiable rules

- ☐ Managers receive requests; HR owns the process and the decision.
- ☐ No magic words are required. Oral and indirect requests count.
- ☐ Do not demand medical documentation when the law says it is unnecessary.
- ☐ Temporary suspension of an essential function may be required.
- ☐ Religious status is not a blanket exemption. Religious-conflict cases go to counsel.
- ☐ Do not finalize discipline or termination until accommodation and retaliation issues are reviewed.
- ☐ Do not force leave when another effective accommodation would permit work.

1 Recognize and route the request

MANAGER RESPONSE

Thank you for telling me. I want to make sure we respond promptly and handle your information appropriately. I will connect you with HR so we can understand the work change you need and discuss next steps.

Recognition screen

- ☐ The employee, applicant, or representative described a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition.
- ☐ The person communicated that a change or adjustment at work is needed because of that limitation.
- ☐ The request may be oral, written, informal, or embedded in a conversation about attendance, duties, symptoms, appointments, recovery, lactation, or safety.
- ☐ The person did not need to say PWFA, accommodation, disability, or provide a diagnosis.

Immediate actions

- ☐ Acknowledge without approving, denying, judging, or promising an outcome.
- ☐ Record the date, speaker, exact words, requested change, timing, and immediate safety concerns.
- ☐ Send the request to the designated HR contact the same business day when practicable.
- ☐ Preserve the original email, text, note, or other communication.
- ☐ Limit disclosure to those who need the information for evaluation or implementation.
- ☐ Consider an interim accommodation if delay could prevent work, worsen health, or create a safety concern.

Do not ask or say

- ☐ Do not ask for a diagnosis, complete medical records, or details unrelated to the requested work change.
- ☐ Do not say the employee must take leave, cannot perform the job, or needs a doctor's note before HR will talk.
- ☐ Do not discuss the request with coworkers or speculate about duration, pregnancy plans, or private choices.

2 Open the case correctly

Case-opening checklist

- ☐ Assign one HR owner and one secure case number or internal identifier.
- ☐ Open a confidential medical/accommodation file separate from the personnel file.
- ☐ Confirm the employee's work location and identify applicable state and local law.
- ☐ Record the request date, acknowledgment date, and each follow-up commitment.
- ☐ Identify whether the employee is an applicant, current employee, former employee, or employee facing pending action.
- ☐ Identify other potentially applicable laws: Title VII/PDA, ADA, FMLA, PUMP Act, paid leave, sick time, workers' compensation, and safety rules.
- ☐ Check whether the request requires an immediate or interim measure.

Confidential file

Place here	Keep elsewhere
Request and intake notes	Routine performance records
Permitted medical documentation	Discipline supported independently
Interactive-process notes	Schedules without unnecessary medical details
Accommodation and hardship analysis	Payroll and ordinary leave administration records
Decision and follow-up log	Training and policy acknowledgments

ACCESS RULE

A manager may need to know what schedule, break, task, equipment, or leave arrangement to implement. The manager generally does not need the diagnosis or medical history.

3 Decide whether documentation is permitted

Stop before requesting a note

- ☐ Is the limitation and need for the change obvious? If yes, do not request documentation.
- ☐ Does the organization already have sufficient information? If yes, do not request it again.
- ☐ Is a pregnant employee requesting water, food or drink breaks, restroom breaks, permission to carry water, or the ability to sit or stand? If yes, do not request documentation.
- ☐ Is a lactating employee requesting changes to pump at work or nurse during work hours? If yes, do not request documentation.
- ☐ Would policy normally allow the absence or change without documentation? If yes, do not impose a stricter rule because the request is pregnancy-related.

If documentation is reasonable

- ☐ Request only the minimum sufficient information.
- ☐ Ask for confirmation of the physical or mental condition; do not require a specific diagnosis.
- ☐ Ask for confirmation that the condition is related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition.
- ☐ Ask what workplace adjustment is needed and, when relevant, its expected duration.
- ☐ Do not require examination by an employer-selected health care provider.
- ☐ Continue discussing the request and consider an interim accommodation while permitted information is pending.

DRAFT THE REQUEST NARROWLY

Please provide information sufficient to confirm the work-related limitation, its relationship to pregnancy, childbirth, or a related medical condition, the workplace adjustment needed, and its estimated duration. A diagnosis and complete medical records are not requested.

4 Sort the request and identify escalation

Path	Examples	Action
Routine and often simple	Water, restroom, food, sitting or standing, schedule flexibility, prenatal appointment	Address promptly; documentation often prohibited or unnecessary.
Individualized analysis	Telework, lifting restriction, light duty, reduced hours, equipment, temporary reassignment	Interactive process; analyze functions, duration, options, and actual impact.
Counsel review before denial	Essential-function suspension, safety restriction, extended leave, claimed undue hardship	Complete analysis; do not communicate denial before review.
Immediate counsel escalation	Abortion, religious conflict, attorney or agency contact, pending termination, retaliation concern	Preserve records; pause substantive response; contact CEA counsel.

Escalate when

- ☐ The request concerns abortion, fertility treatment, contraception, a faith-based conduct standard, or a ministry qualification.
- ☐ The organization may rely on its statement of faith, religious status, First Amendment rights, RFRA, ministerial exception, or CEA litigation protection.
- ☐ An attorney, EEOC, state agency, demand letter, charge, subpoena, or litigation threat appears.
- ☐ The employee faces discipline, discharge, layoff, demotion, failure to hire, or rescission of an offer.
- ☐ The proposed response relies on safety, essential functions, indefinite leave, or undue hardship.
- ☐ A manager already denied, promised, disclosed information, or made a comment about pregnancy or private choices.
- ☐ Comparable employees may have received more favorable treatment.
- ☐ The employee recently requested accommodation, complained, opposed discrimination, or participated in an investigation.

5 Conduct the interactive process

Questions HR may ask

- ☐ What work-related limitation are you experiencing?
- ☐ What change would help you perform the job or access the application process?
- ☐ When do you need the change and how long do you expect to need it?
- ☐ Is the requested change the only effective option, or are there alternatives we should discuss?
- ☐ Would an interim arrangement help while we complete the review?
- ☐ When should we revisit the arrangement?

Accommodation analysis

- ☐ Identify the employee's preferred accommodation.
- ☐ Determine whether it is effective and whether another effective option exists.
- ☐ Do not require the employee to accept an accommodation not reached through the interactive process.
- ☐ Do not require leave if another reasonable accommodation would allow continued work.
- ☐ Consider schedule changes, breaks, equipment, task restructuring, assistance, telework, temporary reassignment, temporary suspension of functions, and finite leave.
- ☐ Assess each option using current operational facts, not coworker resentment, inconvenience, or speculation.
- ☐ Document the option selected, who will implement it, and the review date.

Promptness

INTERNAL OPERATING TARGET

Route the request the same business day when practicable, acknowledge it promptly, and maintain regular contact. The PWFA does not impose a universal five-day or fifteen-day deadline. Simple requests should usually be resolved through one or two exchanges; complex requests require documented progress and appropriate interim measures.

6 Analyze essential functions and hardship

Essential-function screen

- ☐ Identify the actual function affected, not merely a phrase in an old job description.
- ☐ Confirm why the position exists, how the function is performed, time spent, consequences if omitted, current practice, and the experience of incumbents.
- ☐ Determine whether the employee's inability to perform the function is temporary.
- ☐ Determine when the employee could perform it again. For current pregnancy, the EEOC rule generally treats "in the near future" as within 40 weeks from the start of suspension; other conditions require case-specific review.
- ☐ Consider whether the function can be postponed, performed by others, exchanged, assisted, or covered through temporary reassignment.
- ☐ Do not assume that an essential function can never be suspended under the PWFA.

Undue-hardship evidence

- ☐ Specific nature and net cost of the accommodation.
- ☐ Overall resources, workforce size, and effect on expenses and resources.
- ☐ Type, size, location, and structure of the operation.
- ☐ Actual operational impact and ability of others to perform their duties.
- ☐ For function suspension: length, available work, prior suspensions, coverage, and postponement options.
- ☐ Alternatives considered and the factual reason each was ineffective or burdensome.

COUNSEL GATE

Do not deny based on essential functions, safety, or undue hardship until counsel has reviewed the completed analysis and proposed response.

7 Apply the CEA protection screen

Confirm before relying on a protection

- ☐ The organization is an active, qualifying CEA member and has satisfied applicable membership and Statement of Faith requirements.
- ☐ The specific request falls within the conduct, mandate, agency, and relief addressed by the applicable injunction, stay, settlement, or agreement.
- ☐ The organization's relevant religious belief and employment standard were sincerely held and documented before the dispute.
- ☐ The proposed decision is consistent with the organization's governing documents and comparable past practice.
- ☐ Qualified counsel has confirmed whether and how the protection applies to these facts.

Religious-liberty cautions

- ☐ Do not describe religious status as a blanket exemption from the PWFA.
- ☐ Do not tell the employee that CEA membership automatically authorizes denial.
- ☐ Do not identify private moral judgments, criticize the employee's choices, or speculate about motives.
- ☐ Do not cite doctrine in a response letter until counsel has approved the legal strategy and language.
- ☐ Do preserve relevant handbooks, statements of faith, acknowledgments, board policies, and prior consistent applications.

ABORTION-RELATED REQUESTS

CEA protections may materially affect an abortion-related request, and a federal court has also vacated the portion of the EEOC rule requiring accommodation for elective abortion. Other federal claims, state laws, and fact-specific issues may remain. Freeze the substantive response and contact CEA counsel.

8 Decide, communicate, and implement

Before sending a response

- ☐ The interactive process is documented.
- ☐ Any documentation request was legally permissible and appropriately narrow.
- ☐ The employee's preferred option and effective alternatives were considered.
- ☐ Leave was not imposed when another effective option was available.
- ☐ Essential functions and temporary suspension were analyzed correctly.
- ☐ Any hardship finding rests on specific evidence.
- ☐ State and local law and other federal laws were checked.
- ☐ Comparable cases and retaliation risk were reviewed.
- ☐ Counsel approved any high-risk denial or religious-liberty position.

Written response contents

- ☐ Identify the request and relevant discussion dates.
- ☐ State the accommodation approved, start date, implementation contact, and review date; or explain the factual basis for another effective option.
- ☐ If a request is denied, address alternatives and invite correction of missing or inaccurate facts.
- ☐ Avoid unnecessary medical detail, legal conclusions, moral commentary, and promises beyond the decision.
- ☐ Tell the employee whom to contact if the accommodation is ineffective or circumstances change.

Implementation

- ☐ Tell each manager only what must be implemented.
- ☐ Update scheduling, payroll, equipment, access, or duty assignments without disclosing the medical reason.
- ☐ Confirm implementation with the employee.
- ☐ Review effectiveness on the scheduled date and sooner if needs change.
- ☐ Document closure or continuation of the arrangement.

9 Manager intake form

Employee or applicant	Date and time received
Person receiving the request	Person making the request if different
Exact words used or attached communication	
Work change requested	When the change is needed
Immediate health or safety concern	
Interim step taken	Date and time routed to HR

Manager certification

☐

I did not approve, deny, or promise an outcome.

☐

I did not request a diagnosis or medical records.

☐

I did not discuss the request with coworkers or unnecessary recipients.

☐

I preserved the original communication and my contemporaneous notes.

10 HR decision worksheet

Request - What limitation and work change were communicated, by whom, and when?

Interim need - What should be provided while review continues?

Information - Is documentation prohibited, unnecessary, or reasonable? What minimum information is needed?

Functions - Which actual duties are affected and what evidence supports their status?

Options - What was requested? What other effective options were discussed?

Temporary suspension - Could an affected function be postponed, covered, exchanged, assisted, or reassigned? For how long?

Hardship - What specific cost or operational evidence applies to each option?

Other laws - Which federal, state, local, leave, lactation, disability, safety, or policy rules apply?

Consistency - What comparable cases exist and what material facts distinguish them?

Religious issue - Does this touch doctrine, ministry roles, abortion, fertility treatment, or CEA protections?

Decision - What effective accommodation will be provided, or what counsel-approved basis supports the result?

Follow-up - Who implements it and when will effectiveness be reviewed?

11 Counsel escalation package

Send facts and documents

- ☐ Original request and permitted supporting documentation.
- ☐ Chronology of communications, interim actions, and deadlines promised.
- ☐ Current job description and plain-language description of actual duties.
- ☐ Completed essential-function, alternatives, and undue-hardship analysis.
- ☐ Applicable policies and comparable accommodation records.
- ☐ Relevant Statement of Faith, handbook provisions, acknowledgments, and prior consistent applications.
- ☐ Leave history and any pending performance, discipline, or termination action.
- ☐ Proposed response (unsent).

Same-day escalation

- ☐ EEOC charge or other agency correspondence.
- ☐ Attorney contact, demand letter, subpoena, or litigation threat.
- ☐ Potential document destruction, missing records, or manager deletion of messages.
- ☐ Immediate decision deadline involving discharge, offer withdrawal, safety removal, or a religious conflict.

Final file audit

- | | |
|--|---|
| ☐ Request and acknowledgment preserved. | ☐ Consistency and retaliation reviewed. |
| ☐ Confidentiality maintained. | ☐ Counsel approval documented where required. |
| ☐ Documentation rules followed. | ☐ Written response and implementation record complete. |
| ☐ Interactive process recorded. | ☐ Follow-up date calendared. |
| ☐ Alternatives and essential functions evaluated. | |
| ☐ Other laws checked. | |

MEMBER RESOURCE

Contact CEA through the Member Portal to be connected with qualified counsel. Do not wait until after a high-risk response has been sent.

Legal status reviewed through September 20, 2026. This checklist provides general educational information, is not legal advice, and does not create an attorney-client relationship. Laws and court orders may change; consult qualified counsel for specific facts.