

Lifting Restriction: Court Finds No Pregnancy Discrimination.

An LPN's job description for the rehab unit required her to do moderate to heavy lifting and to be able to assist a patient to the floor who became unable to remain standing during ambulation.

When she became pregnant her ob/gyn restricted her from lifting more than 25 lbs. That was not compatible with her nursing position. For a time the hospital let her work on a patient telephone survey but then had to let her go when sit-down office work was no longer available.

The hospital's temporary duty program's purpose was to provide temporary modified light duty for employees who were restricted from their regular work due to work-related injury or illness.

The modified duty accommodating program's purpose was to provide an appropriate work situation for employees who, due to injury or illness, had work restrictions lasting six months or longer.

UNITED STATES DISTRICT COURT
PENNSYLVANIA
January 27, 2010

The US District Court for the Eastern District of Pennsylvania ruled she had no grounds to sue for pregnancy discrimination. Federal law does not require an employer to provide accommodation to a pregnant employee who cannot meet the legitimate demands of the job because of restrictions imposed by her physician.

An employer is permitted to set up a light-duty policy in such a way that it does not apply to pregnant employees. **Noecker v. Reading Hosp.**, 2010 WL 363840 (E.D. Pa., January 27, 2010).