Early Learning Coalition of Broward County, Inc.
Governance Meeting Agenda
November 4, 2026, at 11:00 AM
Zoom Meeting
Meeting ID: 821 1210 3653 **Passcode: 476544**

https://us06web.zoom.us/j/82112103653?pwd=gxVtTXb44JUgD7Zxlu3gRj57mMnkMt.1

Members are reminded of conflict-of-interest provisions. In declaring a conflict, please refrain from voting or discussing and declare the following information: 1) Your name and position on the Board, 2) The nature of the conflict, and 3) Who will gain or lose as a result of the conflict. Please also fill out form 8B prior to the meeting.

		PAGE	
1.	**Call to Order**		Dawn Liberta, Governance Committee Chair
2.	**Roll Call**		Melody Martinez, Board Liaison
3.	**Consent Agenda** 1. Approve September 24, 2026, meeting minutes	**2**	Dawn Liberta, Governance Committee Chair
4.	**Regular Business** 1. GOV272RB1- Accept Retirement Plan Fiduciary Advisor Vendor Recommendation 2. GOV272RB2- Approve revised Americans with Disabilities Act (ADA) Policy # HR-POL-002 3. GOV272RB3- Approve revised Equal Employment Opportunity Policy # HR-POL-003 4. GOV272RB4- Approve new Pregnant Workers Fairness Act (PWFA) Policy # HR-POL-004	 **4** **5** **11** **15**	Dawn Liberta, Governance Committee Chair Christine Klima, CAO Hubert Cesar, COO; Michelle Perez, HR Director
5.	**Old Business** **New Business** **Matters from the Committee** **Public Comment**		
6.	**Next ELC Governance Meeting: December 7, 2026**		
7.	**Adjourn**		

Please Note: *Agenda is subject to revisions and additions at the discretion of the Chair of the Coalition. Notification will be sent of any such revisions or additions.* ***Members of the Public:*** *Please sign up at the entry desk for public comments to be made on any particular agenda items no later than five minutes after the Coalition meeting has been called to order.*

"As per §286.0105, Fla. Stat. Any person who decides to appeal any decision of the Board with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which the appeal is to be based."

Early Learning Coalition of Broward County, Inc.
Governance Meeting Minutes
September 24, 2026, at 11:00 AM
Zoom Meeting

Members in Attendance	Chair Dawn Liberta; Michael Asseff; Carol Hylton; Renee Podolsky
Members Absent (Excused)	Laurie Sallarulo; Kirk Englehardt; Amoy Reid
Members Absent (Unexcused)	
Staff in Attendance	Renee Jaffe, CEO; Christine Klima, CAO; Hubert Cesar, COO; Melody Martinez, Board Liaison & Executive Assistant; Amy Moore, VP of Family Services & Com. Engagement; Allison Metsch, VP of Education; Andres Calero, Accounting Manager; Ayme Hamou, Dir. of Education Program Assessment; Dan Hollenbaugh, AP and Payroll Manager; Kiana Nieves, Accounting Specialist; Magdalena Laino, Quality Assurance Manager; Michelle Perez, Dir. of HR; Roy Persaud, Financial Analyst; Sandra Paul, Sr. Dir. of Provider Reimbursement
Others in Attendance	Julie Klahr, Legal Counsel

Item	Action/Discussion
Welcome & Call to Order	Chair Dawn Liberta called the meeting to order at 11:02 AM. The roll was called, and a quorum was established.
Consent Agenda 1. Approve June 15, 2026, meeting minutes	A **Motion** was made by Renee Podolsky and **Seconded** by Michael Asseff to approve the Consent Agenda. The motion was **Unanimously Approved. Motion Passed.**
Regular Committee 1. GOV271RB1- Adopt Required 403B Retirement Plan Document Restatement	**Required 403B Retirement Plan Document Restatement** Christine Klima, CAO reported on the required restatement of the Coalition's 403(b) retirement plan documents to comply with federal law by December 31, 2026. A **Motion** was made by Michael Asseff and **Seconded** by Renee Podolsky to Adopt the Cycle 2 IRS Pre-Approved 403(b) Basic Plan Document and the associated Early Learning Coalition of Broward County, Inc. 501(c)(3) Pre-Approved 403(b) Plan Adoption Agreement #08-001, effective January 1, 2026. The motion was **Unanimously Approved. Motion Passed.**
2. GOV271RB2- Authorize Retirement Plan Governance Framework Procurement Plan	**403B Retirement Plan Governance Strengthening Procurement Plan** Christine Klima, CAO, reported on our plan to put in place a strong, multi-pronged retirement plan governance framework. The plan requires two vendor procurements. A **Motion** was made by Carol Hylton and **Seconded** by Michael Asseff to Authorize staff to issue Requests for Proposals (RFPs) for: • A Section 3(21) Fiduciary Advisor to serve as an independent fiduciary advisor to the Board regarding the Coalition's 403(b) Retirement Plan; and • A bundled retirement plan service vendor to provide recordkeeping, administration, participant services, investment platform support, and related retirement plan services. The motion was **Unanimously Approved. Motion Passed.**

DRAFT

3. GOV271RB3- Approve FY 27 Strategic Plan updates for Year 5	**Updated 5 Year Strategic Plan** Hubert Cesar, COO, reported on proposed revisions to the strategic plan for Year 5. A **Motion** was made by Michael Asseff and **Seconded** by Renee Podolsky to Accept the recommended changes to the updated 5-Year Strategic Plan. The motion was **Unanimously Approved. Motion Passed.**
4. GOV271RB4- Approve Revised Data Security Policy #IT-POL-001	**ELC 2019 Data Security and Systems Policy and Procedures** Hubert Cesar, COO, reported on the revised Data Security Policy. A **Motion** was made by Renee Podolsky and **Seconded** by Carol Hylton Approve ELC 2026 Data Security and Systems Policy and Procedures. The motion was **Unanimously Approved. Motion Passed.**
5. GOV27R1B5- Approve Revised AI Policy #IT-POL-002	**AI Policy** Hubert Cesar, COO, reported on proposed revisions to the AI Acceptable Use Policy to strengthen governance, data protection, approval requirements, and responsible use of AI tools. A **Motion** was made by Carol Hylton and **Seconded** by Amoy Reid to approve proposed AI Policy Changes. The motion was **Unanimously Approved. Motion Passed.**
6. GOV271RB6- Approve Remote and Hybrid Work Policy #HR-POL-001	**Remote and Hybrid Work Policy** Hubert Cesar, COO, reported on the new remote and hybrid work policy. A **Motion** was made by Carol Hylton and **Seconded** by Amoy Reid to Approve proposed Remote and Hybrid Work Policy. The motion was **Unanimously Approved. Motion Passed.**
Unfinished Business	None
New Business	None
Matters from the Chair	None
Public Comments	None
Next Meeting	**TBD**
Adjourn	Meeting adjourned at 11:40 AM

These minutes contain the action items of the Board meeting of the Early Learning Coalition of Broward. They do not include all of the Committee's discussions or comments on each matter or issue raised during the meeting. A tape recording of the meeting is held in the Coalition office. Corrections from the Committee will be taken before approval at the next meeting.

DRAFT

ITEM/MEETING:	GOV272RB1 / Governance Committee
DATE:	November 4, 2026
SUBJECT:	RFQ for ERISA Section 3(21) Fiduciary Advisor Services
FOR ACTION:	YES
RECOMMENDED ACTION:	**Accept proposed vendor selection recommendation and authorize staff to negotiate and execute an agreement for Retirement Plan Fiduciary Advisor Services, pending to legal review**
AS RECOMMENDED BY:	Staff
FINANCIAL IMPACT:	TBD
ELC STAFF LEAD	C. Klima

Background:

The Governance Committee previously recommended, and the Board authorized, the issuance of a Request for Qualifications (RFQ) to procure an independent Section 3(21) Fiduciary Advisor to enhance oversight and governance of the Coalition's 403(b) Retirement Plan.

Five (5) Statements of Qualifications were received by October 23, 2026 submission deadline. An Evaluation Committee reviewed all written submissions and conducted interviews with each firm on October 27, 2026.

Current Status:

The Evaluation Committee completed its evaluation process and finalized its rankings on October 30, 2026. The Committee's top three ranked respondents are:

1. CAPFinancial Partners, LLC dba CAPTRUST Financial Advisors
2. Creative Planning HoldCo, LLC dba Creative Planning Institutional Advisors, LLC
3. Graystone Consulting Tampa, a business of Morgan Stanley Smith Barney LLC

The first-ranked respondent, CAPTRUST Financial Advisors, will provide a brief presentation regarding its qualifications, experience, and approach to serving as the Coalition's Section 3(21) Fiduciary Advisor. Governance Committee members will have an opportunity to ask questions and discuss the firm's qualifications prior to acting.

Copies of the top ranked firm’s qualifications submission will be distributed separately to Governance Committee members for review. Consistent with the procurement process, qualification package submissions and evaluation materials will remain confidential until final Board action.

Upon Board authorization, staff will negotiate and execute an agreement with the selected respondent in consultation with legal counsel. If an agreement cannot be reached with the top-ranked respondent, staff will enter negotiations with the second-ranked respondent and, if necessary, the third-ranked respondent until a mutually acceptable agreement is reached.

Recommended Action from Staff:

Accept proposed vendor selection recommendation and authorize staff to negotiate and execute an agreement for Retirement Plan Fiduciary Advisor Services, pending to legal review

Supporting Documents

Top Ranked Respondent Submission Package Provided Separately

ITEM #/MEETING:	GOV272RB2 / Governance Committee
DATE:	November 4, 2026
SUBJECT:	Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy
FOR ACTION:	Yes
RECOMMENDED ACTION:	Approve proposed Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy # HR-POL-002
AS RECOMMENDED BY	Staff
FINANCIAL IMPACT:	None
ELC STAFF LEAD	Hubert Cesar/Michelle Perez

Background:

ELC's Employee Handbook addresses disability protections in several sections. As part of the handbook revision process, legal counsel prepared a standalone Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy. The proposed policy builds on counsel's work by explaining how to request accommodation, how ELC evaluates requests, and the responsibilities of employees, applicants, and management throughout the process.

These additions ensure consistent handling of accommodation requests while allowing ELC to consider each individual's needs and the requirements of the position.

Current Status

The proposed policy explains how employees and applicants may request an accommodation through Human Resources, a supervisor or manager, or the representative handling an employment application. It clarifies that requests do not require a written submission or specific terminology and provides examples of potential accommodations, including modified schedules, leave, assistive technology, equipment adjustments, and reassignment to a vacant position. This guidance helps individuals communicate their needs and helps management recognize accommodation requests.

The policy further describes the interactive process, including timely discussion of individual limitations and possible accommodations. It explains when ELC may request supporting documentation, what information is needed to evaluate the accommodation request, and the individual's responsibility to cooperate in the process and provide reasonably requested information. It also specifies that ELC will not request unrelated medical information. These provisions support consistent handling of requests while protecting medical privacy.

The policy explains that when more than one accommodation would be effective, ELC may choose which one to provide. It also clarifies that ELC is not required to eliminate essential job functions, lower uniformly applied performance standards, create a position, or displace another employee. This guidance supports accommodation decisions that address individual needs while preserving essential job requirements and operational responsibilities.

When a disability-related health or safety concern arises, the policy explains that ELC will evaluate the individual's circumstances using objective evidence and consider whether a reasonable accommodation could eliminate or sufficiently reduce the risk before making an employment decision. Medical confidentiality provisions are retained, and protections against retaliation are clarified for employees and applicants requesting or using accommodations, participating in the process, or reporting disability-related concerns.

Recommended Action from Staff:

Approve proposed Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy # HR-POL-002

Supporting Documents

- Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy - With Markup
- Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy - No Markup

Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy

Early Learning Coalition of Broward County, Inc. (“ELC”) is committed to the fair and equal employment of individuals with disabilities under the ADA, as amended, and other applicable federal, state, and local laws. It is the ELC’s policy to provide reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the organization. ELC prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an individual has requested or used a reasonable accommodation.

If ELC determines, based on an individualized assessment and objective evidence, that an individual may pose a direct threat to the health and safety of the individual or others, ELC will consider whether a reasonable accommodation would eliminate or sufficiently reduce the risk before making an employment decision.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee or applicant with a disability may request a reasonable accommodation by contacting Human Resources, a supervisor, or manager, or, during the application process, the ELC representative handling the application. A request does not need to be made in writing or include specific terminology. The individual should explain the workplace adjustment or change needed and how it relates to a disability or medical condition.

Examples of reasonable accommodations may include modified work schedules, leave as a reasonable accommodation, reassignment to a vacant position, assistive technology, modified equipment, and adjustments to workplace practices. The availability of any accommodation will depend on the individual's circumstances and the requirements of the position.

ELC will review each request and engage in a timely, good-faith interactive process with the employee or applicant to determine whether a reasonable accommodation can be provided and to identify other effective accommodations, when appropriate. If the disability or the need for accommodation is not obvious, ELC may request reasonable documentation sufficient to establish the existence of a disability, the relevant functional limitations, and the need for accommodation. ELC will not request medical information unrelated to the accommodation request. The employee or applicant is responsible for cooperating in the interactive process and timely providing reasonably requested information.

ELC retains the discretion to select among effective reasonable accommodations and is not required to provide the accommodation preferred by the employee or applicant

when another effective accommodation is available. Under the ADA, ELC is not required to eliminate an essential job function, lower uniformly applied performance or production standards, create a new position, displace another employee, or provide personal-use items.

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

ELC prohibits retaliation against an employee or applicant for requesting or using a reasonable accommodation, participating in the interactive process, reporting disability discrimination or harassment, or otherwise exercising rights protected by the ADA or applicable law. Employees and applicants should use the procedures described in the Discrimination & Harassment Complaint Policy to report any harassment, discrimination, or retaliation they have experienced or witnessed. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy

DRAFT PENDING APPROVAL

Presented to

Governance on 11/04/26

Board on 11/09/26

Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy

Early Learning Coalition of Broward County, Inc. ("ELC") is committed to the fair and equal employment of individuals with disabilities under the ADA, as amended, and other applicable federal, state, and local laws. It is the ELC's policy to provide reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the organization. ELC prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an individual has requested or used a reasonable accommodation.

If ELC determines, based on an individualized assessment and objective evidence, that an individual may pose a direct threat to the health and safety of the individual or others, ELC will consider whether a reasonable accommodation would eliminate or sufficiently reduce the risk before making an employment decision.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee or applicant with a disability may request a reasonable accommodation by contacting Human Resources, a supervisor, or manager, or, during the application process, the ELC representative handling the application. A request does not need to be made in writing or include specific terminology. The individual should explain the workplace adjustment or change needed and how it relates to a disability or medical condition.

Examples of reasonable accommodations may include modified work schedules, reassignment to a vacant position, assistive technology, modified equipment, and adjustments to workplace practices. The availability of any accommodation will depend on the individual's circumstances and the requirements of the position.

ELC will review each request and engage in a timely, good-faith interactive process with the employee or applicant to determine whether a reasonable accommodation can be provided and to identify other effective accommodations, when appropriate. If the disability or the need for accommodation is not obvious, ELC may request reasonable documentation sufficient to establish the existence of a disability, the relevant functional limitations, and the need for accommodation. ELC will not request medical information unrelated to the accommodation request. The employee or applicant is responsible for cooperating in the interactive process and timely providing reasonably requested information.

ELC retains the discretion to select among effective reasonable accommodations and is not required to provide the accommodation preferred by the employee or applicant when another effective accommodation is available. Under the ADA, ELC is not required to eliminate an essential job function, lower uniformly applied performance or production standards, create a new position, displace another employee, or provide personal-use items.

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

ELC prohibits retaliation against an employee or applicant for requesting or using a reasonable accommodation, participating in the interactive process, reporting disability discrimination or

harassment, or otherwise exercising rights protected by the ADA or applicable law. Employees and applicants should use the procedures described in the Discrimination & Harassment Complaint Policy to report any harassment, discrimination, or retaliation they have experienced or witnessed. Violations of this policy may result in disciplinary action, up to and including termination of employment.

ITEM #/MEETING:	GOV272RB3 / Governance Committee
DATE:	November 4, 2026
SUBJECT:	Equal Employment Opportunity Policy
FOR ACTION:	Yes
RECOMMENDED ACTION:	Approve the revised Equal Employment Opportunity Policy #HR-POL-003
AS RECOMMENDED BY:	Staff
FINANCIAL IMPACT:	None
ELC STAFF LEAD	Hubert Cesar/Michelle Perez

Background Information

Early Learning Coalition of Broward County's existing Equal Employment Opportunity Policy establishes its commitment to fair employment practices for employees and applicants. The proposed revisions support that commitment by providing guidance on employment decisions, workplace conduct, and reporting concerns.

The proposed policy identifies the employment practices covered by ELC's equal opportunity commitment and explains the responsibilities associated with maintaining a respectful workplace. This guidance supports consistent decisions based on job-related qualifications and legitimate business considerations and helps employees understand how to raise concerns.

Current Status

The proposed revisions expand and clarify the characteristics expressly identified in ELC's Equal Employment Opportunity Policy. Additions include sexual orientation, gender identity or expression, ancestry, citizenship status, and political affiliation. The policy also adds detail concerning religious dress and grooming practices, pregnancy and breastfeeding, mental and physical disabilities, military service, certain medical conditions, and vaccination or immunity status as protected by applicable law. These revisions provide employees and management with more specific guidance on the scope of ELC's nondiscrimination commitment.

The policy retains its application to all terms and conditions of employment and expressly adds recruiting, job assignments, and discipline to the examples provided. It also clarifies that employment decisions will be based on job-related qualifications and legitimate business considerations. These provisions support consistent decision-making throughout the employment relationship.

The revisions clarify how employees may raise questions or report conduct inconsistent with the policy. Employees are directed to contact Human Resources promptly or use another reporting channel identified in ELC's Anti-Harassment Policy. Explicit protections against retaliation are added for individuals who make good-faith reports, raise concerns, or participate in investigations or other protected proceedings. This guidance helps employees understand where to report concerns and reinforces support for their participation in the reporting process.

The policy retains ELC's commitment to treating individuals with respect and dignity and streamlines the language describing expectations for a professional workplace. The revised policy states that employees who violate it may face disciplinary action, up to and including termination of employment.

Recommended Action from Staff:

Approve the revised Equal Employment Opportunity Policy #HR-POL-003

Supporting Documents

- Equal Employment Opportunity Policy - With Markup
- Equal Employment Opportunity Policy - No Markup

Equal Employment Opportunity Policy

Early Learning Coalition of Broward County, Inc. ("ELC") provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, religion (including religious dress and grooming practices), national origin or ancestry, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, sexual orientation, gender identity or expression, marital status, age, disability (mental or physical), genetic information, citizenship status, military or uniformed service member status (including membership in the Florida National Guard), veteran status, the presence of AIDS, AIDS-related conditions, or HIV, sickle-cell trait, vaccination or immunity status as protected by applicable law, political affiliation, or any other characteristic protected by applicable federal, state, or local laws and ordinances. The ELC prohibits unlawful discrimination and harassment based on any of these characteristics and prohibits retaliation against individuals who engage in activity protected by law or this policy.

This policy applies to all terms and conditions of employment, including but not limited to, recruiting, hiring, placement, job assignment, promotion, discipline, termination, layoff, recall, transfer, leave of absence, benefits, compensation, training and all other terms and conditions of employment. Employment decisions will be based on job-related qualifications and legitimate business considerations and will be administered in accordance with this policy.

ELC is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity and are free from unlawful discrimination, harassment, bias, and prejudice.

Any employees with questions or concerns about equal employment opportunities or who believe that conduct inconsistent with this policy has occurred should promptly contact Human Resources or use one of the other reporting channels identified in ELC's Anti-Harassment Policy. ELC prohibits retaliation against anyone who makes a good-faith report, raises a concern, or participates in an investigation or other protected proceeding.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

Equal Employment Opportunity Policy

DRAFT PENDING APPROVAL

Presented to

Governance on 11/04/26

Board on 11/09/26

Equal Employment Opportunity Policy

Early Learning Coalition of Broward County, Inc. ("ELC") provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, religion (including religious dress and grooming practices), national origin or ancestry, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, sexual orientation, gender identity or expression, marital status, age, disability (mental or physical), genetic information, citizenship status, military or uniformed service member status (including membership in the Florida National Guard), veteran status, the presence of AIDS, AIDS-related conditions, or HIV, sickle-cell trait, vaccination or immunity status as protected by applicable law, political affiliation, or any other characteristic protected by applicable federal, state, or local laws and ordinances. The ELC prohibits unlawful discrimination and harassment based on any of these characteristics and prohibits retaliation against individuals who engage in activity protected by law or this policy.

This policy applies to all terms and conditions of employment, including but not limited to, recruiting, hiring, placement, job assignment, promotion, discipline, termination, layoff, recall, transfer, leave of absence, benefits, compensation, training, and all other terms and conditions of employment. Employment decisions will be based on job-related qualifications and legitimate business considerations and will be administered in accordance with this policy.

ELC is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity and are free from unlawful discrimination, harassment, bias, and prejudice.

Any employees with questions or concerns about equal employment opportunities or who believe that conduct inconsistent with this policy has occurred should promptly contact Human Resources or use one of the other reporting channels identified in ELC's Anti-Harassment Policy. ELC prohibits retaliation against anyone who makes a good-faith report, raises a concern, or participates in an investigation or other protected proceeding.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

ITEM #/MEETING:	GOV272RB4/ Governance
DATE:	November 4, 2026
SUBJECT:	Pregnant Workers Fairness Act (PWFA) Policy
FOR ACTION:	Yes
RECOMMENDED ACTION:	Approve NEW proposed Pregnant Workers Fairness Act (PWFA) Policy # HR-POL-004
FINANCIAL IMPACT:	None
AS RECOMMENDED BY:	Staff
ELC STAFF LEAD	Hubert Cesar/Michelle Perez

Background Information

The Pregnant Workers Fairness Act (PWFA) is a federal law that took effect on June 27, 2023. It requires covered employers with 15 or more employees to provide reasonable accommodations to qualified employees and applicants with known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would impose an undue hardship on the employer's operations.

The proposed policy provides employees and management with clear guidance for requesting and responding to pregnancy-related accommodations. It explains how requests will be evaluated and coordinated with ELC's accommodation, leave, telework, and lactation policies. This guidance supports consistent decisions while considering individual needs and ELC's operational requirements.

Current Status

The proposed policy addresses limitations related to pregnancy, childbirth, or related medical conditions, including limitations that may not qualify as disabilities under the ADA. Employees and applicants may request an accommodation through Human Resources, a supervisor or manager, or the representative handling an employment application. Requests do not require a written submission, a particular form, or specific terminology. Supervisors and managers must promptly notify Human Resources so requests can be coordinated and evaluated individually.

The policy describes a timely, good-faith interactive process in which ELC and the employee or applicant discuss the limitation and possible accommodations. Examples include additional breaks, schedule or duty modifications, equipment adjustments, telework, temporary reassignment, and leave. The policy also addresses temporarily suspending one or more essential job functions when the individual's inability to perform them is temporary, the individual could perform those functions in the near future, and the temporary inability can be reasonably accommodated.

The policy explains when ELC may request supporting documentation and limits requests to the minimum information needed to confirm the pregnancy-related limitation and the workplace adjustment needed. It identifies situations in which documentation will not be requested, such as requests for additional restroom breaks, access to drinking water, or pumping or nursing accommodations. These provisions help management respond to requests consistently while respecting employee privacy.

The policy supports continued work by explaining that ELC will not require leave when another effective reasonable accommodation would allow the employee to work without undue hardship. It also explains how accommodations will be coordinated with related ELC policies and addresses medical confidentiality and protections against discrimination, harassment, retaliation, and interference with protected rights.

Recommended Action from Staff:

Approve proposed Pregnant Workers Fairness Act (PWFA) Policy # HR-POL-004

Supporting Documents

- Draft Pregnant Workers Fairness Act (PWFA) Policy

Pregnant Workers Fairness Act Policy

DRAFT PENDING APPROVAL

Presented to

Governance on 11/04/26

Board on 11/09/26

Pregnant Workers Fairness Act Policy

Early Learning Coalition of Broward County, Inc. ("ELC") complies with the Pregnant Workers Fairness Act ("PWFA") and all other applicable federal, state, and local laws concerning pregnancy accommodations. ELC will provide reasonable accommodations to qualified employees and applicants with known physical or mental limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation would impose an undue hardship on ELC's operations. A limitation does not need to qualify as a disability under the Americans with Disabilities Act.

Related medical conditions may include, but are not limited to, breastfeeding or lactation, fertility or infertility treatments, miscarriage, stillbirth, termination of pregnancy, recovery from childbirth, and postpartum physical or mental health conditions.

Reasonable accommodations under this policy will be evaluated in accordance with ELC's Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy, subject to the distinct requirements of the PWFA. Depending on the circumstances, accommodations may include changes to work schedules or breaks; permission to sit or stand as needed; modifications to duties, equipment, policies, or work areas; lifting restrictions; light duty or temporary reassignment; telework; temporary suspension of one or more essential job functions; or paid or unpaid leave. This list provides examples only and does not guarantee any particular accommodation. Telework is not an automatic accommodation. If approved as a reasonable accommodation, the arrangement will be documented and administered in accordance with ELC's Remote and Hybrid Work Policy, as modified by the terms of the approved accommodation and applicable law.

ELC will evaluate each request individually and engage in a timely, good-faith interactive process with the employee or applicant to identify an effective reasonable accommodation. Under the PWFA, an employee or applicant may be qualified even if temporarily unable to perform one or more essential job functions, provided the inability is temporary, the individual could perform those functions in the near future, and the temporary inability can be reasonably accommodated. ELC may consider alternative accommodations when the accommodation initially requested cannot be provided or when another effective accommodation may be appropriate.

An employee or applicant may request an accommodation by notifying Human Resources, a supervisor or manager, or, during the application process, the ELC representative handling the application. The request does not need to be made in writing, submitted on a particular form, or include the words "reasonable accommodation" or "PWFA." The employee or applicant, or the individual's representative, must communicate the limitation and the need for an adjustment or change at work. Supervisors and managers who receive an accommodation request must promptly notify Human Resources.

ELC will request supporting documentation only when it is reasonable and permitted by law. When documentation is appropriate, ELC may request only the minimum information necessary to confirm the limitation, its relationship to pregnancy, childbirth, or a related medical condition, and the workplace adjustment or change needed.

ELC will not request documentation when doing so would be unreasonable or prohibited by law, including when the limitation and need for accommodation are obvious; ELC already has sufficient information; a pregnant employee requests permission to carry or drink water, take additional restroom breaks, sit or stand as needed, or take breaks to eat or drink; an employee requests an accommodation related to pumping or nursing; or the requested adjustment is ordinarily provided to other employees without documentation. ELC may accept an employee's self-confirmation when sufficient under applicable law. Employees and applicants are expected to cooperate in the interactive process and timely provide any information that ELC may lawfully request.

ELC will not require a qualified employee to take paid or unpaid leave when another effective reasonable accommodation would allow the employee to continue working without imposing an undue hardship. ELC also will not require an employee or applicant to accept an accommodation other than a reasonable accommodation arrived at through the interactive process or deny an employment opportunity because of the individual's need for a reasonable accommodation. Any leave provided as a reasonable accommodation will be administered in accordance with ELC's Family and Medical Leave Policy and other applicable leave policies and may run concurrently with other available leave when permitted by law.

Medical information obtained through the accommodation process will be maintained and disclosed in accordance with ELC's Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy and applicable law.

ELC prohibits discrimination, harassment, retaliation, coercion, intimidation, threats, or interference against an employee or applicant for exercising, or assisting another individual in exercising, rights protected by the PWFA. Concerns should be reported promptly using the procedures described in ELC's Discrimination and Harassment Complaint Policy and Procedure.

Employees who need break time or a private space to express breast milk should also refer to ELC's Lactation Breaks Policy.