**Section 2535.130 Temporary Transfer or Reassignment as an Accommodation**

a) If, as a result of a job applicant's or employee's pregnancy condition, the job applicant or employee is unable to perform the essential functions of her current position, the job applicant or employee may request accommodation. Examples of accommodations that may allow a job applicant or employee to work include, but are not limited to:

1) A temporary transfer to either a less strenuous or less hazardous position, or to a light duty position;

2) A temporary reassignment to a vacant position;

3) A temporary restructuring of the position sought or held;

4) A temporary modification of the job applicant's or employee's work schedule; or

5) A temporary transfer to a part-time position or to part-time status.

b) An employer is not obligated to transfer or reassign a job applicant or employee to a position for which the job applicant or employee is not qualified and able to perform the duties of the position, unless the employer does so or would do so to accommodate other classes of employees who need it.

c) An employer may reduce the rate of pay of a job applicant or employee who receives a temporary job transfer or reassignment to another position at the rate of pay of the position into which the job applicant or employee transfers, unless the employer did not do so or would not do so for other classes of job applicants or employees under similar circumstances. If the rate of pay of the position into which the job applicant or employee transfers is compensated at a rate of pay higher than the job applicant's or employee's previous position, the employer must compensate the job applicant or employee at the higher rate of pay while the job applicant or employee is performing the new position.

d) An employer may reduce the rate of pay of an employee whose position is temporarily restructured or whose schedule is modified, or who is reduced to part-time status to reflect the new or modified job duties, schedule or part-time status, unless the employer did not do so or would not do so for other classes of employees under similar circumstances. If an employer chooses to reduce a job applicant's or employee's pay pursuant to this Section, the burden is on the employer to show that the change in pay is justified by and consistent with the change in job duties, schedule or employment status.

e) An employer may not reduce the fringe benefits, including insurance coverage, because the employee was temporarily transferred or reassigned to another position, placed on light duty, reduced to part-time status, or placed on a modified work schedule, or because the employee's position was restructured, unless the employer can demonstrate that not doing so would impose an undue hardship on the ordinary operation of the business of the employer.