

MONROE COUNTY COMMUNITY COLLEGE

Pregnancy and Nursing Protections Policy

Policy Type: District

Policy Title: Pregnancy and Nursing Protections Policy

Whom Does This Policy Affect: All Staff, Visitors, and Students

Purpose: The purpose of this policy is to outline reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions.

Policy Statement

Pregnancy discrimination has been specifically prohibited since 1978 when the Pregnancy Discrimination Act (PDA) was passed, amending Title VII of the Civil Rights Act of 1964. The PDA requires that employers treat employees with pregnancy-related issues the same as other employees.

The Americans With Disabilities Act of 1990 (ADA) requires employers to provide reasonable accommodations to employees with certain pregnancy-related conditions that qualify as a disability.

The Family and Medical Leave Act of 1993 (FMLA) provides workers with unpaid, job-protected leave for a variety of family and medical reasons, including pregnancy. A mother can use 12 weeks of FMLA leave for the birth of a child, for prenatal care, for incapacity related to pregnancy, and for her own serious health condition following the birth of a child.

The Pregnant Workers Fairness Act (PWFA) extends additional protections for pregnancy-related issues and prohibits covered employers from:

- requiring an employee to accept an accommodation without discussing the accommodation with the worker;
- denying a job or other employment opportunity to a qualified employee or applicant based on the person's need for a reasonable accommodation;
- requiring an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working;
- retaliating against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding (such as an investigation); or
- interfering with any individual's rights under the PWFA.

The PUMP Act amends the Fair Labor Standards Act (FLSA) and expands federal law related to breastfeeding accommodations in the workplace. The PUMP Act requires employers to (1) provide employees with reasonable break times to express breast milk for nursing children for one year after their child's birth, and (2) provide a private space other than a bathroom for purposes of expressing breast milk. The PUMP Act specifically notes that remote workers are also entitled to take reasonable pump breaks. Employers are not required to compensate employees if they are completely relieved from work duties for these breaks.

Cross references:

- 1.65 Illegal Discrimination and Harassment Policy
- 1.65 (a) Illegal Discrimination Procedures
- 1.65 (b) Discrimination Harassment Complaint Form
- 1.77 Americans with Disabilities Policy
- 1.77(a) Procedure to File an ADA Complaint
- 1.77(b) ADA Complaint form
- 1.77(c) Request for Accommodation