

## **MONROE COUNTY COMMUNITY COLLEGE**

### **Pregnancy and Nursing Protections Procedures**

Policy Type: District

Procedures Title: Pregnancy and Nursing Protections Procedures

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

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

#### Procedure

Monroe County Community College treats all employees' pregnancy or related conditions as it does any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit of service, and reinstatement, and under any fringe benefit offered to employees. Employees who are pregnant or experiencing related conditions have the right to take leave, including voluntary unpaid leave, as outlined in state and federal statutes and respective collective bargaining agreements.

Under the Pregnant Workers Fairness Act (PWFA) and Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act), Monroe County Community College offers reasonable workplace accommodations for employees affected by pregnancy, childbirth, or related medical conditions. The College will always provide the following reasonable accommodations to employees experiencing pregnancy or related conditions, as needed, without requesting written certification from a healthcare professional:

1. Providing frequent, longer, or flexible restroom breaks;
2. Modifying a no food or drink policy;
3. Providing seating or allowing the employee to sit more frequently;
4. Refraining from lifting more than 17 pounds; and
5. Providing reasonable break time for an employee to express breast milk for two years after the child's birth, each time the employee needs to express the milk, and providing a clean and private location, other than a bathroom, which may be used by the employee to express breast milk.

Monroe County Community College may provide other reasonable accommodations, some of which may require written certification from a healthcare professional, which may include, but are not limited to:

1. Job restructuring, including modifying a work schedule, job reassignment, changing a workstation, or providing equipment;
2. Providing a temporary transfer to a less strenuous or hazardous position;
3. Scheduling flexibility for prenatal visits; and
4. Providing any further accommodation the employee may need.

Under the PUMP Act, the College is not required to compensate an employee receiving reasonable break time for expressing breast milk for any work time spent for such purpose. However, as the time it takes to express breast milk is highly individualized, employees are encouraged to work with Human Resources to ensure they have the flexibility to express breast milk as necessary.

Employees who are enrolled in the College's education program or activity are eligible to receive reasonable modifications as outlined in the student section of this policy/procedure to sufficiently allow the employee to

continue their educational progress as a student.

The College will not retaliate against employees affected by pregnancy or related conditions who request one of these changes, or deny them employment opportunities if they are otherwise qualified, or require them to take leave if an alternative is available. Additionally, pregnant employees with a pregnancy-related disability may have rights in addition to those listed here.

#### Lactation Space

The College has designated lactation space(s) on campus that are not bathrooms, which may be used by any person on campus for pumping or breastfeeding as needed, regardless of a person's gender identity or gender expression. Any designated lactation spaces will be kept clean, private and accessible, and available for use whenever the building space is open for use.

While there is lactation space available for use, the College recognizes that breastfeeding is permitted in any public place. Breastfeeding is not considered "indecent exposure," and no one may stop another person from breastfeeding, require they cover themselves, move, or leave a public premises because they are breastfeeding. The decision of where to pump or breastfeed is at the person's discretion, if consistent with state and federal law.

#### Reporting Policy Violations

If an employee notifies the College of a failure to implement a reasonable modification or make a lactation space available, the College will promptly and effectively take additional steps to comply with its obligation to ensure its education program or activity is free from discrimination based on sex, including based on pregnancy or related conditions. If an employee files a complaint regarding the failure to implement a reasonable modification for pregnancy or a related condition or to make a lactation space available, this will constitute a report of sex discrimination, and the investigation procedure outlined in the Complaint Procedure will be initiated.