

# F.54 Pregnancy Accommodation Policy

## Date

10/23

### **Policy Statement**

- The University of Southern Indiana (“University” or “USI”) is firmly committed to fostering an inclusive environment that provides equal access and opportunity for all individuals in compliance with all applicable federal, state, and local laws, including the Pregnant Workers Fairness Act (PWFA), Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act), Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy Discrimination Act (PDA), and the Americans with Disabilities Act (ADA) when there is a disability directly related to pregnancy. In addition, the Family and Medical Leave Act (FMLA) requires that covered employers provide unpaid job-protected leave for family and medical reasons, including childbirth or adoption.
- In June 2023, the Pregnant Workers Fairness Act (PWFA) went into effect. This piece of legislation applies specifically to accommodations and requires that public and private sector employers with 15 or more employees provide reasonable accommodations for qualified employees and job applicants with known temporary physical or mental limitations due to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the University an undue hardship. The law establishes clear guidelines and accommodation obligations for employers.
- It is University policy to make every effort to assist pregnant and post-partum employees who request reasonable accommodations due to temporary physical or mental limitations due to pregnancy, childbirth, or related conditions. It is a violation of federal law, as well as University policy, to refuse such requests unless the proposed accommodations would pose an undue hardship to the University.

### **Contact information:**

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### **Purpose and Scope**

#### **Purpose**

1. To provide an effective means by which qualified employees of the University of Southern Indiana may request reasonable workplace accommodations in accordance with the PWFA
2. Pursuant to the PWFA, the University will provide reasonable accommodations to all qualified pregnant and post-partum employees, when temporary physical or mental limitations due to pregnancy, childbirth, or related conditions affects the performance of their essential job functions, except where doing so would result in undue hardship to the University

## Scope

1. All pregnant and post-partum faculty, staff, and student workers at the University of Southern Indiana as well as otherwise qualified applicants
2. Any questions regarding interpretation of the policy or procedures may be referred to the University ADA Coordinator
3. Definitions
  - Reasonable accommodations
    - A modification or provision to a position, the educational or work environment, a policy or practice, or a manner in which work is usually performed that enables a qualified individual with a disability to perform the essential functions of a position and enjoy equal employment and educational opportunity
  - Undue hardship
    - A degree of hardship in a proposed accommodation that is unreasonable or poses a significant difficulty or expense to the employer
4. Requesting a Reasonable Accommodation (Procedures)
  1. General
    1. The procedure for accommodation requests allows for an interactive process to take place, during which the following occur:
      1. An accommodation request is made
      2. Appropriate documentation is provided to support the condition and the accommodation requested, if applicable
      3. A reasonable accommodation is put in place, if appropriate
  2. Employees (Faculty, staff, student workers)
    1. To request an accommodation under the PWFA, the employee must communicate an accommodation request to their immediate supervisor, who is expected to then notify the ADA Coordinator, or accommodation requests can be made directly to the ADA Coordinator via telephone, email, or in office
    2. An employee returning from a pregnancy-related leave of absence who has ongoing restrictions or accommodation needs related to pregnancy will also be referred to the ADA Coordinator's office by Human Resources for engagement in the interactive process
    3. The employee may be required to provide appropriate documentation to support their pregnancy or childbirth-related functional limitations that interfere with the performance of their job. A form will be provided by the ADA Coordinator for the employee and their qualified licensed healthcare professional to complete. Documentation is expected to be returned within 15 days of issue
    4. After reviewing the documentation provided, the ADA Coordinator will determine if the employee is eligible for accommodations under the PWFA
    5. If the employee is eligible for accommodations, the ADA Coordinator will then continue with the interactive process to facilitate a plan for reasonable accommodation, which includes:

- Determining the necessary documentation to support the employee's accommodation request
  - Clarifying the responsibilities of the University and the employee throughout the interactive process
  - Identifying the essential functions of the position
  - Discussing the employee's specific physical or mental abilities or limitations as they relate to the essential functions of the position, along with potential accommodations
  - Identifying the accommodation that will best serve the needs of both the employee and the University
  - Notifying the employee and their direct supervisor of the established accommodation while maintaining confidentiality of protected employee health information
6. The accommodation and any related documentation will be maintained by the ADA Coordinator's office within USI Human Resources department
  7. Confidentiality of information related to any reasonable accommodation request will be respected and maintained and may only be shared with those having official need-to-know
  8. The employee is responsible for contacting the ADA Coordinator if reasonable accommodations are not implemented in a timely and effective manner
  9. The ADA Coordinator office will work with the employee and their department in order to clarify and resolve any disagreements regarding the nature or implementation of the approved accommodation
  10. Reviewing employee accommodations is a common practice and is supported by law
    - Accommodations are subject to a 90-day review to assess effectiveness and ongoing need or modification
    - Accommodations may be set up with a trial period to assess effectiveness
    - Accommodations may become unnecessary and can be withdrawn
    - If ongoing accommodations are not effective, the interactive process will continue, wherein the employee and the employer will explore alternatives

### 3. Students

- Student pregnancy accommodation requests must be referred to and evaluated by USI's Institutional Equity Office.
- Institutional Equity Office

Chelsea Givens

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- Violations of PWFA Policy on Employment/Complaint Procedure

- Employees, students, or community members who believe that the University has not met its obligations under the PWFA should contact the University's ADA Coordinator, who is responsible for coordinating the University's efforts to comply with the PWFA and all relevant disability and accommodation-related federal, state, and local laws. The ADA Coordinator will refer complaints to the appropriate University office for investigation

In addition, the Institutional Equity Office works with the USI community in implementing and upholding policies and practices that are consistent with federal and state mandates as well as existing University policies regarding equal access, equal employment, and educational opportunity for all persons, without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, gender identity, gender expression, genetic information, disability, or veteran status.

### **Institutional Equity Office**

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