

# The University of Scranton

Executive Sponsor: Vice President  
for Human Resources

## Pregnancy Accommodation Policy For Employees

Responsible Office: Office of Equity  
and Diversity  
Effective Date: February 1, 2020

**Eligibility:** This policy applies to employees and applicants for employment.

**\*Pregnant and Parenting Students** who require accommodations may find information including the policy and request for accommodations form, here:

<https://www.scranton.edu/equity-diversity/pregnant-parenting-students.shtml>

### **I. Statement**

The University of Scranton is committed to maintaining an inclusive and accessible environment for all applicants and employees. The Pregnancy Discrimination Act (PDA) prohibits discrimination based on pregnancy, childbirth, or pregnancy related medical conditions- when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, and fringe benefits. Providing accommodations to women who become pregnant is important in meeting the health of the woman and the unborn child.

### **II. Purpose**

Pregnancy accommodation is governed by the Pregnancy Discrimination Act, the Americans with Disabilities Act, the Family and Medical Leave Act, and numerous state laws. Employees who need a temporary change to how, when, or where they work due to pregnancy or related conditions may request an accommodation under this policy. Employees and applicants, however, are not required to disclose their pregnancy to the University, and may still require accommodations. Therefore, if the employee or applicant does not wish to disclose a pregnancy to the University, but requires accommodations because or contributed to by pregnancy, they may opt to request accommodations under the University's Reasonable Accommodations for Individuals with Disabilities Policy (<https://www.scranton.edu/equity-diversity/docs/ada-accom-policy.pdf>) without disclosing a pregnancy. The University will attempt to make, upon request, reasonable accommodations, unless doing so imposes an undue hardship on the University.

### **III. Definitions**

#### Applicant:

Applicant is defined as individuals applying for an employment position with the University of Scranton.

#### Employee:

Employee is defined as all faculty and staff employed by the University of Scranton.

Interactive Process:

The interactive process is the ongoing process by which the University, through the Office of Equity and Diversity, and the employee engage in a dialogue to determine what, if any, accommodations may be implemented to allow the employee to perform their job duties for the University. The process may require the employee to provide information from a treating doctor.

OED:

OED means the Office of Equity and Diversity.

Pregnancy Discrimination:

Pregnancy Discrimination occurs when expectant women are terminated, not hired or otherwise treated differently by the employer because of a pregnancy. The University treats expectant mothers in the same way as it treats any other temporarily disabled employee.

Pregnancy Harassment:

Pregnancy Harassment means the creation of a hostile or intimidating environment in which conduct, because of its severity, pervasive and/or persistence, is likely to create an adverse employment action. Pregnancy Harassment can be uninvited or unwelcome verbal, written, visual or physical conduct based on pregnancy when such conduct:

- a. Has the purpose or effect of unreasonably interfering with an individual's work performance;
- b. Creates or has the intention of creating an intimidating, hostile, or offensive working environment; or
- c. Interferes with or limits one's ability to participate in or benefit from employment.

**IV. Requesting Accommodations**

Students: Students seeking accommodations should contact the Center for Teaching and Learning (CTLE): <https://www.scranton.edu/academics/ctle/disabilities/index.shtml>

Employees: Employees seeking accommodations under this policy should contact the Office of Equity and Diversity (OED) and/or follow the procedures set forth below.

<https://www.scranton.edu/equity-diversity/>

**V. Procedure for Employees and Applicants Requesting Pregnancy Accommodations:**

Employees and applicants must complete the Pregnancy Accommodation Request Form (<https://www.scranton.edu/equity-diversity/docs/employee-pregnancy-accom-form.docx>), and return the completed form to OED to start the interactive process. If an accommodation request is received via email, telephone or third party, OED will contact the individual to request a completed the Accommodation Request Form.

The form requests information related to the accommodation needs, including an explanation from the employee/applicant as to any physical limitations or risks, or a description of the difficulties

related to the job, and a description of the accommodation requested. A request should also include expected start date and the duration of the accommodations.

#### Interactive Process:

Once OED receives the completed form, the OED Executive or Assistant Director will engage the employee/applicant and, if necessary, the employee's supervisor, or academic dean, or designee, in an interactive process to determine what accommodations, if any, are appropriate.

The University will determine on a case-by-case basis whether a requested accommodation is reasonable, or whether it creates an undue hardship after considering the nature of the accommodations and the business needs of the University. No specific accommodation is guaranteed. Accommodations will be tailored to match the needs of the requestor. Whenever possible, employees should make the request at least 15 business days in advance.

OED may require a requestor to submit additional documentation only if necessary to assist in the interactive process. Documentation requests may vary depending on the nature of the requested accommodation.

The employee/applicant will be notified whether an accommodation is approved, denied, or partially approved. Approved accommodations will be implemented as quickly as possible. If the request is denied, the employee or applicant will be given an explanation of the denial. If an alternative accommodation is approved, the employee or applicant will be notified. If the requestor disagrees with the determination, an appeal may be filed with the Vice President for Human Resources.

An employee who fails or refuses to participate in the interactive process or providing additional information necessary, if requested, may be denied an accommodation.

#### Accommodation Plan:

If an accommodation is granted, the employee will be provided with an accommodation plan. The plan may be shared with the employee's supervisor.

#### **VI. Supervisor's Obligations:**

Supervisory employees of the University are required to refer employees needing an accommodation to OED within three business days of the request, or as soon as reasonably possible, for processing in accordance with this policy.\*\* OED will work directly with the employee, and consult with the supervisor(s), faculty dean and/or department chair, as necessary, to determine an appropriate accommodation.

During the interactive process, a Department supervisor must work with OED to provide a suggestion for an alternative accommodation if called upon by OED.

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\*\*This policy is not intended to conflict with the Faculty Absence Policy. If there is a conflict between this policy and the Faculty Absence Policy, the Faculty Absence Policy shall prevail.

## **VII. Lactation Rooms:**

There is one permanent lactation/nursing room available at the University, located in the Loyola Science Center. For information on how to access the room, please visit: <https://www.scranton.edu/hr/benefits/mothers-room.shtml>

Non-permanent lactation/nursing rooms may be made available in other locations throughout the campus. Employees are encouraged to contact Human Resources or the Office of Equity and Diversity for more information.

## **VIII. Forms of Pregnancy Accommodations:**

As noted above, each request will be considered on a case-by-case basis. Some common accommodations include, but are not limited to, the following:

**Schedule change.** Schedule changes may include changing arrival and departure times, days worked, breaks or number of breaks. Once the need for accommodation ends, employees will return to their original schedule.

**Reduced hours.** Reduced hours may be provided, but pay and fringe benefits may be affected. Once the need for accommodation ends, employees will return to their original schedule.

**Modified Duty.** Modified duty is easier or less hazardous work. It may include remaining in a current position and being excused from performing more strenuous or hazardous duties, or being temporarily re-assigned to another position that has less strenuous or hazardous duties. Reassignment is possible only when a modified duty position is open, and only if you have the necessary skills, credentials, and experience to perform the duties of the position. Once the need for accommodation ends, employees are returned to their original position or duties.

**Leave.** A leave of absence may be a reasonable accommodation. Employees are not required to take leave if they are able to continue performing the essential functions of their job with or without a reasonable accommodation. Pregnancy-related leave will be governed by the University's policies for sick leave, family and medical leave, disability leave, short-term disability leave, personal leave of absence, etc. Once the need for leave ends, employees return to their original position or an equivalent position in accordance with the policy or policies that governed the leave.

**Physical Environment:** Equipment to support an employee/applicant's physical environment, such as accessible chairs, desks and other equipment may be available. Once the need for the accommodation ends, the equipment is to be returned to the Office of OED.

**Parking:** Temporary parking considerations.

**Nursing and Lactation Breaks:** Schedule changes may include breaks for nursing and lactation. Once the need for accommodation ends, employees will return to their original schedule.

### **VIII. Confidentiality**

Information relating to the underlying reason for an individual's accommodation request, which includes written requests for an accommodation, notes or report, or other supporting documentation, is confidential information and is maintained in a locked cabinet in OED. Accommodation related information is only shared with those who have a legitimate business need to know, or as required by law. University managers, administrators, administration personnel, department chairs, etc. may be provided information related to the accommodation if deemed necessary or appropriate to meet the individual's needs.

### **IX. Retaliation Is Prohibited**

The University prohibits retaliation against employees requesting accommodations, participating in an approved accommodation, or otherwise engaging in protected conduct under this policy. Any person who violates the anti-retaliation provision may be subject to disciplinary and/or corrective action, including termination, in accordance with the Staff and Administrator Handbook, or the Handbook for Full-Time Faculty.

### **X. How to File an Appeal if Denied an Accommodation**

If an employee is denied an accommodation by OED, an appeal can be filed with the Vice President for Human Resources. The appeal should include the accommodation requests, the accommodation provided (if any), documentation in support of the accommodation, any and all communication between the employee and OED, and a brief summary of what occurred during the interactive process with OED. The appeal must be filed within 15 business days of being denied an accommodation. The Vice President for Human Resources will contact the OED for a written response to the appeal within 10 business days. OED will have 15 business days to provide a response to the Vice President. The Vice President for Human Resources will issue a decision within 15 business days of receiving OED's response to the appeal.

### **XI. How to File a Discrimination Complaint with the Office of Equity and Diversity**

Applicants denied a job, or an equal opportunity to apply for a job, based on a protected class may file and process a complaint pursuant to the University's Non-Discrimination and Anti-Harassment policy <https://www.scranton.edu/equity-diversity/docs/nondiscrimination-antiharassment-policy.pdf>.

Employees can process a harassment or discrimination complaint pursuant to the University's Non-Discrimination and Anti-Harassment policy <https://www.scranton.edu/equity-diversity/docs/nondiscrimination-antiharassment-policy.pdf>.

### **XII. Other Resources**

Spouses and other support individuals may be entitled to time off under the Family Medical Leave Act or other University policies. For more information, please contact Office of Human Resources in St. Thomas Hall, room 100.