

# COMPLIANCE NOTES:

## Pregnancy And Lactation Resources

### FOR EMPLOYEES AND STUDENTS

#### PREGNANCY RESOURCES FOR EMPLOYEES

The **Pregnancy Discrimination Act of 1978**, which amended Title VII of the Civil Rights Act of 1964, prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

- An employer may not terminate, deny assignments to, or deny promotions to an employee because of her pregnancy, childbirth, or related medical conditions.
- A pregnant employee must be permitted to do her job for as long as she is capable of performing the job.
- While an employer has a duty to protect employees "health and safety," it has no extra duty to protect pregnant or potentially pregnant employees from dangerous work conditions. Therefore, policies that exclude members of one sex from a workplace for the purpose of protecting fetuses cannot be justified under Title VII.

#### WHAT IF A PREGNANT EMPLOYEE NEEDS ACCOMMODATIONS?

Employees who are temporarily unable to perform their jobs due to pregnancy, childbirth, or related medical conditions must be treated the same for all employment-related purposes as other persons not so affected but similar in their ability or inability to work.

Under the Rehabilitation Act, pregnancy itself is not considered a disability. However, a physical or mental impairment that occurs as a result of or during the course of pregnancy or childbirth may be a disability under the law if it substantially limits a major life activity.

If an employee has been absent from work as a result of a pregnancy-related condition and recovers, the employer may not require the employee to remain on leave until she has given birth.

The Office of Access and Compliance is responsible for the campus' compliance with the ADA and Section 504 of the Rehabilitation Act. We also have an ADA Advisory Committee committed to providing equal access on our campus.

[www.uthsc.edu/access-compliance/documents/reasonable-accommodation-request-form.pdf](http://www.uthsc.edu/access-compliance/documents/reasonable-accommodation-request-form.pdf)

#### PREGNANCY RELATED LEAVE

- When an employee goes on leave due to pregnancy, childbirth, or a related medical condition, the employer must keep her job open for the same period of time that it keeps jobs open for employees who go on disability or sick leave.
- An employer may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

#### FAMILY MEDICAL LEAVE ACT

- The Family and Medical Leave Act (FMLA) was established by The U.S. Department of Labor Wage and Hour Division and was created to protect qualified employees from the loss of employment and benefits while off for their own illness or injury or that of an eligible family member. The FMLA is designed to help qualified employees balance their work and family responsibilities by allowing them to take reasonable leave for up to 12 workweeks and an additional 4 weeks for childbirth and adoption. The FMLA also seeks to accommodate the legitimate interests of the employer.
- Eligibility: To be eligible for Family Medical Leave (FML), the employee must have been employed for one year in the past seven years and have worked at least 1,250 hours in the 12-month period prior to the first day of leave.
- Basic Leave Entitlement: Eligible employees are granted up to a total of 12 workweeks of unpaid leave during any 12-month period.
- The HR Employee Relations team handles all FMLA requests.  
EmployeeRelations@uthsc.edu  
[www.uthsc.edu/hr/employee-relations/fmla.php](http://www.uthsc.edu/hr/employee-relations/fmla.php)

#### PAID PARENTAL LEAVE

- Eligible employees, assigned to work at least 75% and on payroll for at least 12 consecutive months prior to the start of the requested leave, are entitled to receive 6 weeks of paid leave.
- Parents may use their paid parental leave concurrently or during separate periods.
- The HR Employee Relations team handles all paid parental leave requests.  
EmployeeRelations@uthsc.edu  
[www.uthsc.edu/hr/employee-relations/documents/paid-parental-leave-request-form.pdf](http://www.uthsc.edu/hr/employee-relations/documents/paid-parental-leave-request-form.pdf)

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#### PREGNANCY RESOURCES FOR STUDENTS

##### TITLE IX: PREGNANT AND PARENTING STUDENTS

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is responsible for enforcing laws prohibiting discrimination in federally assisted educational programs and activities.

Title IX specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.

Additionally, Title IX regulation prohibits a school from applying any rule related to a student's parental, familial, or marital status that treats students differently based on their sex, and protects students in all of the academic, educational, extracurricular, athletic, and other programs or activities of schools. This includes prohibiting discrimination against pregnant and parenting students.

#### PREGNANCY RELATED LEAVE FOR STUDENTS

Title IX requires educational institutions to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences medically necessary.

Leave of Absence and deferment policies vary from the different colleges. Contact your college for their policies and how to avail for either a leave of absence or deferment.

#### WHAT IF A PREGNANT STUDENT NEEDS ACCOMMODATIONS?

Title IX requires educational institutions to provide the same special services to a pregnant student that it provides to students with temporary medical conditions. For instance, if tutoring or at-home instruction is provided to students who miss school because of temporary medical conditions, it must do the same for a student who misses school because of pregnancy or childbirth.

To ensure a pregnant student's access to their educational program, when necessary, educational institutions must make adjustments to the regular program that are reasonable and responsive to the student's temporary status. For instance, a school might be required to provide a larger desk or workspace for the student.

Pregnant students and those with related medical conditions may also be eligible for disability protections and services under the ADA, depending on their condition.

#### Teaching and Learning Center (TLC)

##### Provisional Accommodations

Any student who feels they may need an accommodation based on the impact of a disability should contact TLC to self-disclose and officially request accommodations. All requests for accommodations must be submitted with supporting documentation. Although students may register for services at any time, please attempt to make arrangements within the first two weeks of the semester as it does take time to process the request and review documentation.

[uthsc.edu/tlc/disability-services.php](http://uthsc.edu/tlc/disability-services.php)

901.448.7745

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#### ON- CAMPUS PREGNANCY RESOURCES FOR STUDENTS AND EMPLOYEES

##### Accessible Parking

Accessible Parking Spaces are available for UT Health Science Center community who have a genuine need.

[www.uthsc.edu/campus-police/parking-and-access/accessible-parking.php](http://www.uthsc.edu/campus-police/parking-and-access/accessible-parking.php)

##### Safety Escort by Campus Police

Safety escorts are also provided for anyone in the last trimester of a pregnancy. These cases are handled on an individual basis by the Campus Police administration.

901.448.4444 | utpolice@uthsc.edu

##### University Health Services

UHS welcomes UT Health Science Center UT Health Science Center faculty, staff, students, and their family members over the age of 18. We offer primary care as well as specialized care including behavioral health and occupational health.

910 Madison Avenue, 9th floor Memphis, TN 38163

901.448.5630 | uhs@uthsc.edu

#### LACTATION RESOURCES

##### Nursing Mothers Also Have Employment Protections

- Employers must provide nursing mothers with: a reasonable break time to express breast milk for their nursing child each time such employee has need to express milk for one year after the child's birth; and
- a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

##### Lactation Rooms At UT Health Science Center

Lactation rooms provide the privacy and space breastfeeding moms need when they pump. These spaces are available during regular work hours. Contact these offices for more information.

- HR 910 Madison, Suite 753  
hr@uthsc.edu
- OAC 920 Madison, Suite 825  
oac-hsc@uthsc.edu
- SASSI CB13B - Basement of GEB  
sassi@uthsc.edu

#### ENFORCING YOUR RIGHTS

##### Office Of Access and Compliance

Staff, faculty, students, medical residents, post docs, applicants for employment or patients may raise complaints of discrimination, harassment, and violations of policy with the Office of Access and Compliance. Information regarding the UT Health Science Center complaint process can be found here

[uthsc.edu/oed/file-complaint.php](http://uthsc.edu/oed/file-complaint.php)

#### APPLICABLE UT POLICIES

##### HR Policy 0280

Sexual Harassment Policy

##### HR Policy 0220

Equal Employment Opportunity, Affirmative Action and Diversity Policy

##### HR Policy 0338

Family Medical Leave Policy

##### HR Policy 0339

Parental Leave Policy

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#### COMMUNITY RESOURCES

##### Shelby County Breastfeeding Coalition

[www.shelbycountybreastfeeding.org/](http://www.shelbycountybreastfeeding.org/)

The Shelby County Breastfeeding Coalition is here to protect, promote, and support breastfeeding in Memphis, TN and Shelby County through the assistance of the medical profession, the public health system, and the community. We help families like yours get breastfeeding off to the best start possible and strive to support you each step of the way.



##### Tennessee Breastfeeding Hotline

The Tennessee Breastfeeding Hotline, staffed by International Board Certified Lactation Consultants (IBCLC), is available to nursing mothers and partners, their families, expectant mothers, and health care providers seeking breastfeeding support and information.



##### Birth Injury Center

[birthinjurycenter.org](http://birthinjurycenter.org)

Their mission is to assist anyone who has been affected by injuries of this nature. Their website is a compilation of information around the different types of injuries as well as breastfeeding and formula feeding for parents.



##### WIC (Women, Infants, and Children) Program

Provides breast feeding support as well as other resources for women and children who are at nutritional risk

Phone: 901.222.9980 or 901.222.9601

Email: [sherry.cohen@shelbycountyttn.gov](mailto:sherry.cohen@shelbycountyttn.gov)

#### FOR MORE INFORMATION, PLEASE CONTACT:

##### Office of Access and Compliance

920 Madison, Suite 825, Memphis, TN 38163

[oac-hsc@uthsc.edu](mailto:oac-hsc@uthsc.edu)

t 901.448.2112 | f 901.448.1120

##### Telecommunications Device for the Deaf

t: 901.448.7382 | [uthsc.edu/oac](http://uthsc.edu/oac)



Periodically, you will receive information from the Office Access and Compliance regarding various policies, procedures and resources applicable to UT Health Science Center students and employees. The heading of the email will be "COMPLIANCE NOTES."

The University of Tennessee is an EEO/AA/Title VI/Title IX/ Section 504/ADA/ADEA institution in the provision of its education and employment programs and services.

[www.uthsc.edu/access-compliance/civil-rights-compliance.php](http://www.uthsc.edu/access-compliance/civil-rights-compliance.php)



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