

**I. PURPOSE**

Haywood Community College is fully committed to providing a learning and working environment that is free from prohibited discrimination. The College prohibits discrimination in employment on the basis of known pregnancy, childbirth, or related medical conditions. Pregnant and nursing employees will be provided with accommodations as required by law.

**II. DEFINITIONS**

- A. Qualified Employee. An employee seeking an accommodation through this policy who is:
1. an employee who meets the qualifications of a position desired or held and can perform the Essential Functions of the position, with or without an accommodation(s); or
  2. an employee who cannot perform one or more Essential Functions of the position if the inability to perform the Essential Function(s) is temporary, the Essential Function(s) could be performed in the near future (for example, after the pregnancy and return to work), and the inability to perform the Essential Function(s) can be reasonably accommodated without an undue hardship on the operation of the College.
- B. Essential Functions. The fundamental job duties of the position the employee with a known Limitation holds or desires to hold. The term Essential Functions does not include the marginal functions of the position.
- C. Limitation. A physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or the employee's representative has communicated to the College. An employee may communicate any limitation orally, in writing, or by another effective means, to the appropriate supervisor or the Human Resources Department.

**III. ACCOMMODATION FOR PREGNANT AND PARENTING EMPLOYEES**

Qualified applicants and employees with known limitations will be provided reasonable accommodations, without unnecessary delay, unless the accommodation demonstrably would impose an undue hardship on the operation of the College.

- A. Leave as a Reasonable Accommodation

Leave may be a reasonable and appropriate accommodation if requested or selected by the employee, or if it is the only reasonable accommodation that does not cause undue hardship on the College. Qualified employees may not be required to take

leave, whether paid or unpaid, if another reasonable accommodation can be provided that does not result in an undue hardship for the College.

**B. Break Time to Express Milk**

For one year after the birth of an employee's child, the employee will be provided reasonable break times to express breast milk for the child each time the employee has need to express milk. The appropriate supervisor will designate a place in reasonable proximity to the employee's usual work area, other than a bathroom, that the employee may use to express milk. Any designated place must be functional as a space for expressing milk (e.g., is regularly cleaned, has electricity and appropriate seating, has a surface sufficient to place a breast pump, is in reasonable proximity to a sink, running water, and a refrigerator for storing milk, is shielded from view, and free from intrusion from others.)

**C. Employee Not Required to be Accept Accommodations**

An employee is not be required to accept an accommodation. However, if an employee rejects a reasonable accommodation that is necessary for the employee to perform one or more of the position's essential functions, or to apply for the position, or if the employee rejects the proposed temporary suspension of an essential function(s), and, as a result of that rejection, cannot perform one or more essential function of the position, or cannot apply for the position, the employee will not be considered a "qualified employee."

#### **IV. REQUESTING ACCOMMODATIONS**

Any requests for accommodation, questions, or clarifications regarding this policy should be made to the Human Resources Department. The Human Resources Department will engage in the interactive process with the employee to determine if the employee is a Qualified Employee, to identify the Limitation, and determine whether any accommodation is needed due to the Limitation. If necessary, the Human Resources Department may request supporting documentation to assist in making any determination during the interactive process.

#### **V. RETALIATION PROHIBITED**

The College will not take any adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to pregnancy, childbirth, or related medical conditions of the employee.

Adopted: 05/22/2025

Legal Reference: Consolidated Appropriations Act, P.L. 117-328, div. II - Pregnant Workers Fairness Act; Fair Labor Standards Act, as amended, 29 U.S.C. 201, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106