

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

Personnel – Certified/Non-Certified

4218.114

Sex Discrimination and Sexual Harassment in the Workplace

Pregnant Women in the Workplace/Lactation Accommodation

The Board of Education (Board) recognizes that its diverse workforce is a valuable asset. The Board recognizes pregnancy as a temporary physical condition, unique to women, which may affect an employee's ability to perform all of the usual duties and responsibilities of her position. However, the Board will not assume an employee is unable to continue her regular position functions solely because she is pregnant.

Therefore, the Board recognizes its obligation to provide a reasonable workplace accommodation for a pregnant employee or applicant unless the Board demonstrates that such an accommodation constitutes an undue hardship as defined in this policy.

The Board will not limit, segregate or classify an employee in a way that would deprive her of employment opportunities due to her pregnancy. An employee or person seeking employment shall not be subject to discrimination on the basis of her pregnancy in the terms or conditions of her employment. In addition, the Board will not force a pregnant employee or applicant to accept a reasonable accommodation if such employee does not need one.

The Board will not deny employment opportunities to an employee or person seeking employment if such denial is due to the employee's request for a reasonable accommodation because of her pregnancy; force an employee or person seeking employment affected by pregnancy to accept a reasonable accommodation if such employee or person seeking employment does not have a known limitation related to her pregnancy, or does not require a reasonable accommodation to perform the essential duties related to her employment.

The Board will not require an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; nor will the Board retaliate against an employee in the terms, conditions or privileges of her employment based upon such employee's request for a reasonable accommodation.

Definitions

“Pregnancy” means pregnancy, childbirth or a related condition, including, but not limited to, lactation.

“Reasonable accommodation” means, but shall not be limited to, being permitted to sit while working, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth or break time and appropriate facilities for expressing breast milk.

Sex Discrimination and Sexual Harassment in the Workplace**Definitions (continued)**

“Undue hardship” means an action requiring significant difficulty or expense when considered in light of factors such as (A) the nature and cost of the accommodation; (B) the overall financial resources of the employer; (C) the overall size of the business of the employer with respect to the number of employees, and the number, type and location of its facilities; and (D) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer.

“Undue hardship” means, in relation to breastfeeding in the workplace, any action that requires significant difficulty or expense when considered in relation to factors such as the size of District operations, financial resources and the nature and structure of District operations.

“Reasonable efforts” means, in relation to breastfeeding in the workplace, any effort that would not impose an undue hardship on the operation of the Board of Education.

Notification Requirements

The District shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to a reasonable accommodation to the known limitations related to pregnancy to new employees at the commencement of employment; to all existing employees and to any employee who notifies her supervising administrator of her pregnancy within ten days of such notification.

These notification requirements will be fulfilled by displaying a poster in a conspicuous place, accessible to employees, that contains the required information in both English and Spanish. (The Labor Commissioner may adopt regulations, in accordance with Chapter 54, to establish additional requirements concerning the means by which employers shall provide such notice. Such notification will also be made a part of any staff handbook.)

The Board may utilize, as deemed appropriate, any courses of instruction and ongoing public education efforts developed by the Commission on Human Rights and Opportunities to inform employees, employment agencies and persons seeking employment in the District about their rights and responsibilities pertaining to this topic.

Lactation Accommodation (Mother Friendly Workplace)

The District recognizes that a normal and important role for mothers is to have the option and ability to provide for their children by breast-feeding or expressing milk in the workplace. Any employee may, at her discretion, express breast milk or breastfeed on site at her workplace during her meal or break period. The Board directs the Superintendent or his/her designee to take measures and develop regulations to ensure that all district employees shall be provided with an adequate and private location for the expression of milk or breast-feeding.

Sex Discrimination and Sexual Harassment in the Workplace**Lactation Accommodation (Mother Friendly Workplace) (continued)**

The location for the expression of milk or breast-feeding shall not be a public restroom or toilet stall, and shall be in close proximity to the employee's work area. The location designated shall be a private space such as, but not limited to, an office space or conference room.

Provided there is no undue hardship, such room or location shall (1) be free from intrusion and shielded from the public while such employee expresses breast milk, (2) include or be situated near a refrigerator or employee-provided portable cold storage device in which the employee can store her breast milk, and (3) include access to an electrical outlet.

The District and employee will work together to maximize flexibility to ensure that adequate time is allowed for this activity. Time allowed for this activity is not to exceed the normal time allowed for meals and/or breaks.

Employees shall be notified of this policy and a list shall be published of the designated locations throughout the district for the expression of milk or breast-feeding on an annual basis.

(cf. 4000.1 – Title IX)

(cf. 4111.1/4211.1 – Equal Employment Opportunities)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.12/4218.12 – Sexual Harassment)

Legal Reference: Connecticut General Statutes

31-40w Breastfeeding in the workplace. (as amended by PA 21-27)

4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities.

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited. (as amended by P.A. 17-118)

P.A. 17-118 An Act Concerning Pregnant Women in the Workplace.

P.A. 21-27 An Act Concerning Breastfeeding in the Workplace.

Title VII, Civil Rights Act U.S.C. 2000e, et. seq.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Equal Employment Opportunity Commission Guidance on Pregnancy Discrimination and Related Issues. (July 14, 2014)

ADA Amendments Act of 2008, P.L. 110-325.

The Fair Labor Standards Act (FLSA), 29 U.S.C. 207 (as amended by The Patient Protection and Affordable Care Act, P.L. 11-148)

Young v. United Parcel Service, No. 12-1226, 707 F.3d 437, 446, 450 (4th Cir)

Policy Adopted: January 27, 2021