

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 1 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

Three Rivers College complies with the Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg, *et. seq.* Pursuant to this Personnel Regulation [PR 4870 Pregnant Workers], the College will provide reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such accommodation would impose an undue hardship on the operation of the College. The College will not take an adverse action in the 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 the pregnancy, childbirth, or related medical conditions of the employee.

This Regulation [PR 4870 Pregnant Workers] provides for accommodations for qualified employees regardless of whether the employee is experiencing a pregnancy-related disability pursuant to the Americans with Disabilities Act. For accommodations for disabilities under the Americans with Disabilities Act, see PR 4810, *ADA and Reasonable Accommodation*.

Pursuant to PP 4810 and PR 4810, *ADA and Reasonable Accommodation*, and GAP 1210, *Civil Rights*, the College will not otherwise discriminate against employees or applicants on the basis of pregnancy, childbirth, or related medical conditions.

The College does not deny employment opportunities based on the need to make a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical condition of a qualified employee. The College does not take adverse actions in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions. The College prohibits discrimination or retaliation against an employee for opposing unlawful discrimination under this Regulation and the Pregnancy Worker’s Fairness Act. The College further prohibits the coercion of individuals in the exercise of their rights under the Regulation and the Pregnancy Workers Fairness Act.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 2 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

Definitions:

Known Limitation: physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee’s representative has communicated to the employer, whether or not such condition meets the definition of disability under the Americans with Disabilities Act.

- a. **Known:** the employee or the employee’s representative has communicated the limitation to the employer.
- b. **Limitation:** a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, of the specific employee in question.
- c. **Physical or mental condition:** an impediment or problem that may be modest, minor, and/or episodic. The physical or mental condition may be that an employee affected by pregnancy, childbirth, or related medical conditions has a need or a problem related to maintaining their health or the health of the pregnancy. The definition also includes when an employee is seeking health care related to pregnancy, childbirth, or a related medical condition itself. The physical or mental condition can be a limitation whether or not such condition meets the definition of disability under the Americans with Disabilities Act.
- d. **Consideration of Mitigating Measures:** The determination of whether an employee has a limitation shall be made without regard to the ameliorative effects of mitigating measures. The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an employee has a limitation.

Pregnancy, Childbirth, or Related Medical Conditions:

- a. **Pregnancy and childbirth:** the pregnancy or childbirth of the specific employee in question include, but are not limited to, current pregnancy; past pregnancy; potential or intended

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 3 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

- b. Related medical conditions: medical conditions relating to the pregnancy or childbirth of the specific employee in question which might include, but are not limited to, termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure infection; antenatal (during pregnancy), anxiety, depression, or psychosis postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections.

Employee's Representative: a family member, friend, union representative, health care provider, or other representative of the employee.

Qualified Employee: an employee as defined in 42 U.S. Code § 2000gg(3), including an applicant for employment, with a known limitation and:

- a. An employee who, with or without reasonable accommodation, can perform the essential functions of the employment position. With respect to leave as an accommodation, the relevant inquiry is whether the employee is reasonably expected to be able to perform the essential functions, with or without a reasonable accommodation, at the end of the leave, if time off is granted, or if the employee is qualified as set out in paragraph (f)(2) of this section after returning from leave.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 4 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

- b. An employee shall be considered qualified if they cannot perform one or more essential functions if:
- i. Any inability to perform an essential function(s) is for a temporary period, where "temporary" means lasting for a limited time, not permanent, and may extend beyond "in the near future";
 - ii. The essential function(s) could be performed in the near future. This determination is made on a case-by-case basis. If the employee is pregnant, it is presumed that the employee could perform the essential function(s) in the near future because they could perform the essential function(s) within generally 40 weeks of its suspension; and
 - iii. The inability to perform the essential function(s) can be reasonably accommodated. This may be accomplished by temporary suspension of the essential functions and the employee performing the remaining functions of their position or, depending on the position, other arrangements, including, but not limited to: the employee performing the remaining functions of their position and other functions assigned by the covered entity; the employee performing the functions of a different job to which the covered entity temporarily transfers or assigns the employee; or the employee being assigned to light duty or modified duty or participating in the covered entity's light or modified duty program.

Essential functions: the fundamental job duties of the employment position the employee with a known limitation holds or desires.

Reasonable Accommodation: Reasonable accommodations under this Regulation include modifications or adjustments to:

- i. A job application process that enables a qualified applicant with a known

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 5 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

- ii. limitation to be considered for the position such qualified applicant desires;
- ii. The work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified employee with a known limitation to perform the essential functions of that position;
- iii. Enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without known limitations; or
- iv. Permit the temporary suspension of an essential function if the employee is a qualified employee and such employee is unable to perform one or more essential functions with or without a reasonable accommodation.

Interactive Process for Requesting an Accommodation

The interactive process is an informal process between the College and the employee in order to identify the employee’s known limitation related to pregnancy, childbirth, or related medical condition, the adjustment or change at work that is needed due to the limitation, and potential reasonable accommodations. Qualified employees are responsible for making the College aware of their limitation related to pregnancy, childbirth, or related medical condition. The College may initiate an interactive process in order to determine the appropriate reasonable accommodation needed for the qualified employee’s known limitation.

In order to request an accommodation for any pregnancy, childbirth, or related medical condition, the qualified employee or the employee’s representative must communicate:

1. The employee has a limitation related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; and
2. The employee needs an adjustment or change at work due to the pregnancy, childbirth, or related condition.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 6 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

This communication must be made to a supervisor, a manager, someone who has supervisory authority for the employee or who regularly directs the employee's tasks (or the equivalent for an applicant), human resources personnel, or another administrator at the College, or to the College's compliance officer for employees of the College (hereinafter collectively "Superior"). The College's Compliance Officer for employees is:

Kristina McDaniel
Director of Human Resources
Phone: 573-840-9695
Email: kristinamcdaniel@trcc.edu

The Superior will either grant the qualified employee's request for a reasonable accommodation, or will communicate the employee's request to the Office of Human Resources for consideration. The Superior or Human Resource Officer may ask the employee to provide self-confirmation of pregnancy or lactation. Reasonable accommodations that might be granted directly by the Superior employee include, but are not limited to:

1. Allowing an employee to carry or keep water near and drink, as needed;
2. Allowing an employee to take additional restroom breaks, as needed;
3. Allowing an employee whose work requires standing to sit or whose work requires sitting to stand, as needed;
4. Allowing an employee to take breaks to eat and drink, as needed; or
5. Allowing a reasonable time and/or place to pump at work, other modifications related to pumping at work, or a time to nurse during work hours.

Upon receipt of a request for an accommodation under this Regulation, the College may engage in an interactive process with the qualified employee in order to identify the known limitation, identify the necessary adjustment or change at work, and identify potential reasonable

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 7 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

accommodations. The College will evaluate each request on a case-by-case basis to determine whether to grant the requested reasonable accommodation, or whether supporting documentation is needed to evaluate the request. If it is reasonable to do so under the circumstances in order to determine whether the employee has a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth or related medical conditions and needs an adjustment or change at work due to the limitation, the Office of Human Resources may request the minimum reasonable documentation from a health care provider in order to:

1. Confirm the physical or mental condition;
2. Confirm that the physical or mental condition is related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; and
3. Describe the adjustment or change at work that is needed due to the limitation.

The supporting documentation requested by the Office of Human Resources may vary depending on the nature and extent of the known limitation and the requested adjustment or change at work due to the limitation.

The Office of Human Resources will discuss the employee's requested adjustment or change at work due to the limitation and may discuss possible alternative adjustments or changes at work with the employee. The College is not required to provide an accommodation that will cause the College undue hardship by incurring significant difficulty or expense.

The College is committed to engaging such interactive process without unnecessary delay, and may offer a qualified employee an interim reasonable accommodation during the interactive process.

An employee with a known limitation related to pregnancy, childbirth, or related medical conditions is not required to accept an accommodation. However, if such employee rejects a

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 8 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

reasonable accommodation that is necessary to enable the employee to perform an essential function of the position held or desired or to apply for the position, or rejects the temporary suspension of an essential function if the employee is qualified, and, as a result of that rejection, cannot perform an essential function of the position, or cannot apply, the employee will not be considered "qualified."

Any medical information obtained during the interactive process will be maintained on separate forms and in sperate medical files and will be treated as a confidential medical record. The fact that an employee is pregnant, has recently been pregnant, or has a medical condition related to pregnancy or childbirth is medical information. Superiors and Human Resources employees will disclose that an employee is receiving or has requested an accommodation under this Regulation or has limitations for which they requested or are receiving a reasonable accommodation under this Regulation only when it is necessary to facilitate an accommodation.

Breastfeeding Accommodations in the Workplace

The College will provide a reasonable break time for an employee to express breast milk for such employee's nursing child for 1 year after the child's birth each time such employee has need to express the milk. The College provides this break in a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. See PR 4210 Work Hours of Employment for information on lactation accommodation. To request break time to express breast milk in a private location, please following the reasonable accommodation process within this Regulation.

A reasonable break to express breast milk will not be considered hours worked if the employee is completely relieved from job duties during the entirety of such break.

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4870 Pregnant Workers	Page 9 of
Primary Policy: GAP 1200 Equal Opportunity	
Associated Policies: PP 4810 ADA and Reasonable Accommodation; GAP 1210 Civil Rights	
Associated Regulations: PR 4810 ADA and Reasonable Accommodation; PR 4210 Works Hours of Employment	
References: Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, <i>et. seq.</i> ; S. 1658/H.R. 3110; Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	
Addendum: "Request Form"	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 10-16-2024	Last Revision:

Document History:

10-16-2024: Initial Approval of PR 4870 Pregnant Workers, pursuant to Pregnant Workers Fairness Act (PWFA) 42 U.S.C. § 2000gg, *et. seq.*