

OAKLAND UNIVERSITY

ADMINISTRATIVE POLICIES AND PROCEDURES

715 PARENTAL, FAMILY OR MARITAL STATUS AND PREGNANCY OR RELATED CONDITIONS FOR EMPLOYEES

SUBJECT: PARENTAL, FAMILY OR MARITAL STATUS AND PREGNANCY OR RELATED CONDITIONS FOR EMPLOYEES

NUMBER: 715

AUTHORIZING BODY: TBD

RESPONSIBLE OFFICE: OFFICE OF TITLE IX AND EQUAL OPPORTUNITY COMPLIANCE

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POLICY:

Section 1: Status Generally

Oakland University (OU) will not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

1. Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
2. That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

Section 2: Pregnancy or Related Conditions

2.1 Nondiscrimination: OU will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

2.2 Definition: Pregnancy or related conditions includes:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

2.3 Pregnancy-Related Disabilities:

1. While pregnancy itself is not a disability, if a pregnant employee has one or more impairments related to their pregnancy that qualify as a “disability” under <https://www.oakland.edu/title-ix-and-compliance/accommodations/> , OU will provide that worker with any needed reasonable accommodations for the pregnancy-related disability.
2. OU will keep any medical records and information related to the pregnancy confidential and in separate medical files.

2.4 Comparable Treatment to Employees with Other Temporary Medical Conditions Who Are Otherwise Similar in Ability or Inability to Work: OU will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including:

1. Commencement, duration and extensions of leave;
2. Payment of disability income;
3. Accrual of seniority and any other benefit or service;
4. Reinstatement; and
5. Under any fringe benefit offered to employees by virtue of employment.

2.5 Pregnancy Accommodations: OU will accommodate an employee’s known limitation(s) related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, absent undue hardship. OU will not force an employee to take an accommodation other than a reasonable accommodation arrived at through the interactive process and will not require an employee to take leave if there is another accommodation that does not cause an undue hardship that will allow the employee to stay on the job. OU will only request medical documentation from the employee’s health care provider when it is reasonable under the circumstances for OU 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 (a limitation) and needs an adjustment or change at work due to the limitation.

2.6 Voluntary Leaves of Absence: In the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, OU will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

2.7 Lactation Time and Space:

2.7.1 Lactation Time: OU will provide reasonable break time for an employee to express breast milk or breastfeed as needed.

2.7.2 Lactation Space: OU will ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

Section 3: Pre-Employment Inquiries

3.1 Marital Status: OU will not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.”

3.2 Sex: OU may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response will not be used as a basis for discrimination.