



**Employment Accommodations Pertaining to Pregnancy,  
Childbirth, or Related Medical Conditions  
Campus Procedure 419.2  
General Policy**

**I. Policy Statement**

- A. It is the policy of the University of Arkansas Community College at Batesville (UACCB) to provide equal access and opportunity to Qualified Employees in compliance with the Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg – 2000gg-6, and other laws that prohibit sex discrimination and protect pregnancy rights. The University prohibits discrimination based on Pregnancy, Childbirth, or Related Medical Conditions in all aspects of the application process and the employment relationship.
- B. UACCB will provide (and will not unnecessarily delay) Reasonable Accommodations to the Known Limitations related to the Pregnancy, Childbirth, or Related Medical Conditions of a Qualified Employee, unless the accommodation would impose an Undue Hardship on the operation of the business of the University.
- C. UACCB will not require a Qualified Employee affected by Pregnancy, Childbirth, or Related Medical Conditions to accept an accommodation other than any Reasonable Accommodation arrived at through the Interactive Process.
- D. UACCB will not deny employment opportunities to a Qualified Employee if such denial is based on the need of the University to make Reasonable Accommodations to the Known Limitations related to the Pregnancy, Childbirth, or Related Medical Conditions of the Qualified Employee.
- E. UACCB will not require a Qualified Employee to take leave, whether paid or unpaid, if another Reasonable Accommodation can be provided to the Known Limitations related to the Pregnancy, Childbirth, or Related Medical Conditions of the Qualified Employee. Nothing herein prohibits leave as a Reasonable Accommodation if that is the Reasonable Accommodation requested or selected by the employee, or if it is the only Reasonable Accommodation that does not cause an Undue Hardship.
- F. UACCB will not take adverse action in terms, conditions, or privileges of employment against a Qualified Employee on account of the Qualified Employee requesting or using a Reasonable Accommodation to the Known Limitations related to the Pregnancy, Childbirth, or Related Medical Conditions of the Qualified Employee.

**II. Scope of Application**

- A. This policy applies to all Applicants seeking employment with the UACCB and University employees. Accommodations for students (including graduate assistants) pertaining to Pregnancy, Childbirth, and Related Medical Conditions, are addressed through the University's Title IX Policy.

- B. Except as described in specific University policies, the policies and procedures concerning accommodations for Pregnancy, Childbirth, or Related Medical Conditions for Applicants and employees are coordinated by the Office of Human Resources. Contact information is as follows:

Director of Human Resources  
870-612-2045  
[HR@uaccb.edu](mailto:HR@uaccb.edu)

### III. Definitions

- A. The term “**Applicant**” means any individual desiring employment with the University by submitting appropriate application materials for a specific, vacant position.
- B. The term “**Communicated to the Employer,**” with respect to a Known Limitation, means an employee/Applicant or the employee/Applicant’s representative (a family member, friend, health care provider, or other representative) has made the University aware of the limitation by communicating with 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 appropriate official, or by following the steps in this policy to request an accommodation. The communication (1) may be made orally, in writing, or by another effective means and (2) need not be in writing, be in a specific format, use specific words, or be on a specific form to be considered communicated to the employer.
- C. The term “**Essential Functions**” means the fundamental job duties of the employment position that the employee/Applicant with a Known Limitation holds or desires. The term “Essential Functions” does not include the marginal functions of the position.<sup>1</sup>
- D. The term “**Interactive Process**” means an informal process between the University and the employee/Applicant seeking an accommodation. This process should identify the Known Limitation and the adjustment or change at work that is needed due to the limitation and potential Reasonable Accommodations. The employer and employee/Applicant are expected to engage in the Interactive Process in a good faith manner.
- E. The term “**Known Limitation**” means physical or mental condition related to, affected by, or arising out of Pregnancy, Childbirth, or Related Medical Conditions that the employee/Applicant or employee/Applicant’s representative has communicated to the University. Physical or mental condition is an impediment or problem that may be modest, minor, and/or episodic. The physical or mental condition may be that an employee or Applicant 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 or Applicant is seeking health care related to Pregnancy, Childbirth, or a Related Medical Condition itself.
- F. The term “**Pregnancy, Childbirth, or Related Medical Conditions**” means the following: pregnancy and childbirth refer to the pregnancy or childbirth of the specific employee or Applicant in question and include, but are not limited to, current pregnancy; past pregnancy;

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<sup>1</sup> See 29 C.F.R. § 1636.3(g) (listing factors to use in determining essential job functions).

potential or intended pregnancy; labor; and childbirth. Related medical conditions are medical conditions relating to the pregnancy or childbirth of the specific employee or Applicant in question.

- G. The term “**Qualified Employee**” means an employee or Applicant who, with or without Reasonable Accommodation, can perform the Essential Functions of the employment position. An employee or Applicant shall be qualified if they cannot perform one or more Essential Functions if any inability to perform an Essential Function is for a temporary period, the Essential Function could be performed in the near future, and the inability to perform the Essential Function can be reasonably accommodated.
- H. The term “**Reasonable Accommodation**” generally means modifications or adjustments to a job application process that enables a qualified Applicant with a Known Limitation to be considered for the position such qualified Applicant desires; modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a employee with a Known Limitation to perform the Essential Functions of that position; modifications or adjustments that enable the University’s employee with a Known Limitation to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without Known Limitations; or temporary suspension of Essential Functions and/or modifications or adjustments that permit the temporary suspension of Essential Functions. The University’s obligation is to provide Reasonable Accommodation for Pregnancy, Childbirth, or Related Medical Conditions, not necessarily the individual’s preferred accommodation.<sup>2</sup>
- I. The term “**Undue Hardship**” means significant difficulty or expense incurred by the University.<sup>3</sup>

#### IV. Confidentiality

- A. Documentation obtained in connection with a request for Reasonable Accommodation shall be maintained by the Director of Human Resources who serves as the ADA Coordinator in files separate from the individual’s personnel file. Such information should be restricted to a need-to-know basis. The ADA Coordinator may share certain information with the supervisor or person with supervisory authority, manager, or other University official(s) as necessary to make appropriate determinations on a Reasonable Accommodation request. Employees receiving such information in connection with the Reasonable Accommodation process must keep the information confidential.

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<sup>2</sup> See 29 C.F.R. § 1636.3(i) (listing examples of Reasonable Accommodations). Possible accommodations are based on the particular facts of each individual (case-by-case basis). Reasonable Accommodations do not include personal use items needed to accomplish daily activities.

<sup>3</sup> See 29 C.F.R. § 1636.3(j) (listing factors to consider in determining whether an Undue Hardship exists including those factors related to the temporary suspension of an Essential Function and predictable assessments). A determination of Undue Hardship should be grounded in careful analysis, and not based on improper attitudes toward the individual’s Known Limitation. Nor can Undue Hardship be based on the fact that provision of a Reasonable Accommodation might have a negative impact on the morale of other employees.

- B. The fact that a Reasonable Accommodation has been requested or approved and information about functional limitation is also confidential.
- C. Employees are not required nor encouraged to disclose medical information or information about an impairment to their supervisors.

V. **Accommodation Requests**

- A. **Request Process.** An employee seeking a Reasonable Accommodation for Pregnancy, Childbirth, or Related Medical Conditions may submit the Accommodation Request Form, along with the Medical Statement Forms (if applicable), to the ADA Coordinator.

If an employee notifies a supervisor,<sup>4</sup> the employee's manager, someone who has supervisory authority for the employee or who regularly directs the employee's tasks, or another appropriate official of a Known Limitation related to Pregnancy, Childbirth, or Related Medical Condition, the supervisor, manager, person with supervisory authority, or other appropriate official must contact the ADA Coordinator by: (1) submitting the Pregnancy Accommodation Request Form to the ADA Coordinator, (2) contacting the ADA Coordinator by email at [HR@uaccb.edu](mailto:HR@uaccb.edu), or (3) contacting the ADA Coordinator in person or by phone at 870-612-2045. Questions regarding an employee's medical condition should be left to the University's ADA Coordinator.

An Applicant requesting a Reasonable Accommodation in the application/selection process may submit a Accommodation Request Form to the ADA Coordinator. The form should be submitted prior to the posting closing date and as soon as possible prior to the interview to allow enough time to process the request.

If an Applicant notifies someone with responsibility for the hiring process of a Known Limitation related to Pregnancy, Childbirth, or Related Medical Condition, that person must contact the ADA Coordinator by: (1) submitting the Pregnancy Accommodation Request Form to the ADA Coordinator, (2) contacting the ADA Coordinator by email at [HR@uaccb.edu](mailto:HR@uaccb.edu), or (3) contacting the ADA Coordinator in person by phone at 870-612-2045. Questions regarding an Applicant's medical condition should be left to the University's ADA Coordinator.

Employees or Applicants needing assistance or information may contact the ADA Coordinator at [HR@uaccb.edu](mailto:HR@uaccb.edu) or 870-612-2045.

- B. **Assessment of Limitation.** The ADA Coordinator will determine whether the employee or Applicant has a Known Limitation related to Pregnancy, Childbirth, or Related Medical Conditions by evaluating medical information received as necessary to make that determination. The ADA Coordinator may seek supporting, reasonable documentation (that confirms the physical or mental condition; that confirms whether it is related to, affected by, or arising out of Pregnancy, Childbirth, or Related Medical Conditions; and that describes the adjustment or change of work needed due to the limitation from a health care provider) from an employee or Applicant who

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<sup>4</sup> The employee or Applicant does not need to use the words, "Reasonable Accommodation," but may simply state that they need an adjustment, modification, assistance or change at work due to a Known Limitation or in the application process due to the nature of their Known Limitation.

requests an accommodation when it is reasonable under the circumstances for the University to determine whether the employee or Applicant 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. If the employee/Applicant voluntarily provides written consent, the ADA Coordinator may contact the medical provider if additional information is needed to determine if the individual has a Known Limitation or to assist in determining an effective Reasonable Accommodation.

- C. **Interactive Process.** The ADA Coordinator will facilitate the Interactive Process with the employee or Applicant, the appropriate supervisor(s), Department Human Resources Representative (if designated) and other University officials, as appropriate.

If an employee/Applicant with Known Limitations related to Pregnancy, Childbirth, or Related Medical Condition rejects a 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, and, as a result of that rejection, cannot perform an Essential Function of the position, or cannot apply, the individual will not be considered “qualified.”

- D. **Documentation.** At the conclusion of the Interactive Process, the ADA Coordinator will ensure that the outcome of the process is documented and will work with the supervisor or hiring official and the employee/Applicant regarding the implementation of any Reasonable Accommodations that are approved. A supervisor or manager, employee, or Applicant can request to revisit an approved accommodation for possible adjustments, at any time, by contacting the ADA Coordinator.

If the requested accommodation is not approved because it would constitute an Undue Hardship, the ADA Coordinator will document the basis for that determination in consultation with the supervisor or hiring official. The Department (Supervisor) is required to provide a statement supporting Undue Hardship to the ADA Coordinator.

## VI. Records

Primary documentation pertaining to the Reasonable Accommodation request for Applicants seeking employment and employees will be kept in the Office of Human Resources. The confidentiality of this information—including but not limited to its storage in a file separate from the individual’s personnel file—shall be maintained as set forth in Section IV.A.

## VII. Training

All first-time supervisors or newly hired supervisors or persons with supervisory authority and managers are expected to participate in training concerning accommodations for Pregnancy, Childbirth, or Related Medical Conditions within the first three months of beginning employment and will receive a copy of this Policy at that time. Supervisors or persons with supervisory authority and managers are expected to receive refresher training at least every three years.

### VIII. **Administrative Review**

- A. An employee or Applicant may request an administrative review of a denial of an accommodation request under this policy by the Chancellor.
- B. The administrative review may be based only on one or more of the following reasons: the (1) decision is contradictory to University policy or applicable law or (2) Interactive Process did not substantially comply with the guidelines in this Policy.
- C. The request for review must be submitted within ten (10) business days after employee or Applicant has received the official decision notice in writing. The reviewing administrator shall communicate his or her decision in writing and the decision is final and not subject to further appeal.
- D. An employee or Applicant can contact the ADA Coordinator with any questions about the administrative review process.

### IX. **Complaint**

Harassment, discrimination against, and retaliation against any employee or Applicant on the basis of Pregnancy, Childbirth, or Related Medical Conditions, due to an accommodation request, due to their opposition to any act or practice made unlawful by Pregnant Workers Fairness Act, or because such employee or Applicant made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this policy is strictly prohibited.

Any employee or Applicant who believes that he or she has been harassed, discriminated against, or retaliated against on the basis of Pregnancy, Childbirth, or Related Medical Conditions, due to an accommodation request, due to their opposition to any act or practice made unlawful by Pregnant Workers Fairness Act, or because such employee or Applicant made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this policy should contact the Office of Human Resources at [HR@uaccb.edu](mailto:HR@uaccb.edu) or 870-612-2045.

Any supervisor or person with supervisory authority, manager, or other administrator who receives a written or oral report of discrimination, harassment, or retaliation on the basis of Pregnancy, Childbirth, or Related Medical Conditions, due to an accommodation request, due to an individual's opposition to any act or practice made unlawful by Pregnant Workers Fairness Act, or because an individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this policy shall promptly notify the Office of Human Resources.

### X. **Limitations**

- A. Nothing in this policy shall be construed as creating rights or obligations in excess of any requirements of applicable law and regulations.

- B. Any questions regarding interpretation of this policy and procedures can be referred to Office of Human Resources.

#### XI. Revision History

Effective Date: August 28, 2024