



Policy Title: Accommodations for Pregnant and Nursing Mothers Policy

Policy Number: BU-PP 416

Date Issued: June 1, 2014

Responsible Executive: Vice President & Chief Human Resources Officer

Date Last Revised: February 10, 2025

Responsible Office: Human Resources

Accommodations for Pregnant and Nursing Mothers Policy BU-PP 416

Policy Statement

Baylor University (“University”) is dedicated to providing an accessible and inclusive environment for all employees. This includes providing qualified employees or applicants with reasonable accommodations to address known limitations they may experience due to pregnancy, childbirth, or a related medical issue to activities pursuant to the Pregnant Workers Fairness Act (PWFA). Additionally, in recognition of the well-documented health advantages of breastfeeding for infants and mothers, the University provides a supportive environment to enable breastfeeding faculty, staff, and student employees to express their milk during work hours pursuant to the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act).

This policy complies with federal, state, and local laws, while respecting Baylor’s religious liberties.

Reason for the Policy

This policy establishes guidelines and procedures to provide qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

This policy also establishes a “Mother-Friendly” lactation support program, providing break times and private space (other than a bathroom) for expressing milk. This program encourages breastfeeding for up to three years and ensures compliance with relevant legal requirements.

Individuals/Entities Affected by this Policy

All Baylor University employees

Exclusions

All students seeking accommodations for academic matters will follow procedures through the Office of Access and Learning (OALA).

Individuals who are not qualified applicants or employees.

Related Documents and Forms

University Policies and Documents

[Americans with Disabilities Act \(ADA\)](#)

[Overtime Pay](#)

[Non-Compensated Leaves of Absence](#)

[Family and Medical Leave Act \(FMLA\)](#)

[Work Hours and Schedules](#)

[Sexual and Interpersonal Misconduct Policy](#)

[Baylor Civil Rights Policy](#)

Other Documents

[Pregnant Workers Fairness Act, 42 U.S.C. § 21G](#), et seq.

[PWFA Federal Regulations](#), 29 C.F.R § 1636, et. seq.

Pregnancy Discrimination Act

[Providing Urgent Maternal Protections \(PUMP\) for Nursing Mothers Act](#)

[Nursing Mother Rooms – Campus Map](#)

Fair Labor Standards Act, 29 U.S.C. § 207(r) as amended by the *Patient Protection and Affordable Care Act (ACA)*.

[Texas Health and Safety Code Chapter 165 – Breastfeeding Rights and Policies](#)

Employees who work outside of Texas in states or municipalities which have laws on lactation are encouraged to contact HR for any information or requests associated with those laws.

Definitions

These definitions apply to terms as they are used in this Policy.

Communicated to the employer	An employee or the employee's representative has made the employer 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.
Essential Functions of the Job	The definition from the ADA Policy is incorporated into this Policy.
Interactive Process	An informal, interactive process between the University and the employee seeking an accommodation under the PWFA. This process should identify the known limitation under the PWFA and the adjustment or change at work that is needed due to the limitation, if either of these is not clear from the request, and potential reasonable accommodations. There are no rigid steps that must be followed.
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 specified in the ADA.
Qualified Individual	The definition from the ADA Policy is incorporated into this Policy.
Reasonable Accommodation	The definition from the ADA Policy is incorporated into this Policy.
Reasonable documentation	The minimum documentation that is sufficient to: confirm the physical or mental condition; confirm that the physical or mental condition is related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; and describe the adjustment or change at work that is needed due to the limitation.
Related medical condition	Medical conditions that relate to pregnancy or childbirth. The medical condition need not be caused solely, originally, or substantially by pregnancy or childbirth.
Physical or mental condition	This is an impediment or problem that may be modest, minor, and/or episodic. The physical or mental condition may be that an affected employee has a need or a problem related to maintaining their health or the health of the pregnancy. The definition includes when an employee is seeking health care related to pregnancy, childbirth, or a related medical condition itself.
Self-Confirmation	A statement where the employee confirms the physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions (a limitation), and the adjustment or change at work needed due to the limitation.
Undue Hardship	The definition from the ADA Policy is incorporated into this Policy.

Contacts

Subject	Contact	Telephone	Office email/web site
Policy Questions	Human Resources	254-710-2000	https://hr.web.baylor.edu askHR@baylor.edu

Responsibilities

Employee, Supervisor and Human Resources responsibilities identified in the ADA Policy are incorporated into this policy except that disability is replaced with physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.

Additionally, all employees will: comply with the requirements of Title IX identified in the SIM policy, to include providing information upon notice of pregnancy and related conditions to students, including student employee; and will promptly notify Human Resources of any need for support in the area of receiving reasonable break time to express breast milk and a place to pump, other than a bathroom, that is shielded from view and free from intrusion by others.

Pregnant Workers Fairness Act (PWFA)

The University:

- 1) makes reasonable accommodations for a qualified individual (applicant or employee) for known limitations related to her own pregnancy, childbirth, or related medical conditions, regardless of coverage of the conditions under the ADA, unless the accommodation would cause Baylor an undue hardship;

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- 2) prohibits requiring a qualified individual from taking leave, whether paid or unpaid, if another reasonable accommodation can be provided to her for the known limitations related to the pregnancy, childbirth, or related medical (to include mental health) conditions; and
- 3) prohibits adverse employment actions by Baylor on account of the qualified individual requesting or using a reasonable accommodation for her pregnancy, childbirth, or related medical (to include mental health) conditions.

Some examples of possible reasonable accommodations under the PWFA include but are not limited to the following:

- 1) Breaks to eat and drink, rest, or use the restroom;
- 2) Ability to keep water nearby and drink as needed;
- 3) Ability to stand or sit as needed;
- 4) Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- 5) Leave for healthcare appointments;
- 6) Parking areas as close to the workplace as possible;
- 7) Flexible hours;
- 8) Receive appropriately sized uniforms and safety apparel;
- 9) Leave or time off to recover from childbirth;
- 10) Temporary suspension of one or more essential functions of a job;
- 11) Light duty or help with lifting or other manual labor; and
- 12) Excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy.

An employee may need different accommodations at different times during the pregnancy or after childbirth. The PWFA does not require modifications that would fundamentally alter the nature of the services provided by the job or University.

PWFA Accommodation Request Procedures

Employees must comply with the procedures and responsibilities outlined in this policy.

A. Applicant Accommodation Request Procedures

Applicants seeking accommodations under the PWFA should contact Human Resources directly. Hiring personnel should not inquire about pregnancy, childbirth, or related medical conditions. If an applicant requests an accommodation, the hiring team must promptly notify HR, and the applicant should address the request with HR. Hiring personnel must not take any adverse actions based on pregnancy or related conditions. HR will handle accommodation-related inquiries. An employer may hire a more qualified applicant who is not pregnant or dealing with related medical conditions, as long as the decision is based on qualifications and not discrimination.

B. Employee Accommodation Request Procedures

University personnel should not assume an employee has a pregnancy, childbirth, or related condition or needs a workplace modification. It is the employee's responsibility to request accommodations by notifying a supervisor or Human Resources. While requests can be made orally or in writing, clear, written, and timely requests help the University respond effectively. Supervisors must promptly notify Human Resources of any reported or potential pregnancy, childbirth, or related medical condition. HR will provide the employee with policy information as needed. The University will not request supporting documentation unless it's necessary to determine if the employee has a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions (a limitation) that requires an accommodation.

The University will not require documentation beyond notice when:

- 1) the employee is pregnant and seeks to carry or keep water near and drink as needed, take additional restroom breaks as needed, sit as needed; and take breaks to eat and drink as needed;
- 2) the physical or mental condition, and the adjustment or change at work needed are obvious and the employee provides self-confirmation.
- 3) the reasonable accommodation is related to a time and/or place to pump at work, other modifications related to pumping at work, or a time to nurse during work hours (where the regular location of the employee's workplace makes nursing during work hours a possibility because the child is in close proximity), and the employee provides self-confirmation.

Human Resources will notify the employee of any required reasonable documentation, to include self-confirmation and any reasonable documentation from a health care provider.

PWFA Accommodations

The ADA Policy "Employee Accommodation Request Procedures" are incorporated into this policy except that disability is replaced with physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; and documentation for the ADA process is superseded with documentation as identified in this policy.

Upon learning of the need for an accommodation, HR will work with the supervisor to ensure that there is not an unnecessary delay in providing the accommodation by the University. The employee, likewise, should not contribute to a delay.

Interim Accommodation: When the interactive process will be slowed, for example during holiday breaks or when the supervisor is not reasonably available due to their own work absence, HR may provide an interim reasonable accommodation during the interactive process or while waiting for the University's final response to the request. The interim

reasonable accommodation should be one that allows the employee to continue working. Leave will not be considered an interim reasonable accommodation supporting this factor, unless the employee selects or requests leave as an interim reasonable accommodation.

Lactation Accommodations

The PUMP Act provides reasonable break time for an employee to express breast milk for their nursing child as well as an appropriate place to pump at work.

It is the responsibility of the faculty, staff member, or student employee to request the lactation accommodation. The request for the accommodation should be provided to the supervisor and/or Human Resources within a reasonable timeframe that allows adequate opportunity to establish an appropriate location and schedule.

Employees who telework are eligible to take pump breaks under the FLSA on the same basis as other employees are entitled to take work break for other reasons.

Lactation Accommodations Program Components

A. Time and Pay

Baylor accommodates breastfeeding mothers for up to three years after childbirth. Supervisors must approve each request for lactation breaks and cannot deny these breaks. Flexible work schedules will be provided to accommodate a reasonable break time for faculty, staff, and student employees to express breast milk. Generally, accommodations may require two to three lactation breaks a day, typically lasting 30-45 minutes, whenever possible concurrent with breaks already provided. Hourly (non-exempt) employees will be paid for lactation break time.

B. Space and Storage

The University shall provide a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from colleagues and the public, for the purpose of expressing breast milk each time such faculty or staff member, or student employee needs to express the milk.

University employees may use, when available, the dedicated lactation rooms designated for the purpose of expressing breast milk and which include the following:

- A locking door, an electrical outlet, a clean work surface, and comfortable chair
- A safe, clean water source and sink in close proximity for washing hands and cleaning breast pump equipment

Employees may store expressed milk in personal coolers with ice packs or in a shared refrigerator, if available. If dedicated space isn't feasible, a mixed-use space will be

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provided, with lactating mothers given priority. Faculty and staff may use their private offices or other approved spaces in consultation with their supervisors. Concerns or requests regarding this policy can be directed to Baylor University Human Resources.

C. Tolerance

A supportive, respectful environment includes a workplace that does not tolerate comments or actions that may dissuade lactating mothers from taking the time necessary for milk expression. Baylor University specifically prohibits the following:

- 1) Adverse employment actions of any kind as a result of time used for lactation;
- 2) Acts of discrimination or retaliation against lactating mothers or those who may become lactating mothers;
- 3) Disapproving comments or criticisms of faculty, staff, and student employees who use time for lactation; or
- 4) Jokes, comments, or ridicule that may result in embarrassment for lactating mothers or other faculty, staff, or student employees.

D. Breastfeeding in Public Spaces by Visitors

In accordance with Texas Health and Safety Code § 165.002, Baylor University recognizes that a mother is entitled to breastfeed her baby in any location in which she is otherwise authorized to be. Baylor University faculty and staff members, and student employees shall welcome clients/customers who are mothers who want to breastfeed. Signs may be posted in customer service areas to notify customers that private areas are available for breastfeeding. Mothers may also breastfeed in any location within the client/customer area. All faculty and staff members, and student employees will support the needs of breastfeeding mothers in this regard.

Additional Information

This Policy does not alter the at-will relationship of non-contracted employees with the University, nor does it create a contractual obligation on behalf of the University toward any individual or entity, including without limitation contractors, faculty, or contracted staff.

The PWFA and PUMP Act do not preempt any other federal, state, or local law that provides greater or equal protection than the PWFA and PUMP Act.