

Policies



Subject Pregnancy & Nursing Individuals Accommodations
Section Human Resources
Approved by Andrew Scott, Interim Chief Operating Officer
Approved on May 5, 2022
Replaces Pregnancy Transfer and Leave adopted January 1, 2020, and Nursing Individuals adopted September 27, 2019

Policy Purpose: Metro will provide a reasonable accommodation to known limitations related to pregnancy, childbirth or a related medical condition to allow an employee to perform the essential duties of the job, unless the accommodation would impose an undue hardship on Metro. Accommodations may include modified duty, a temporary transfer, or a leave of absence.

Metro also provides paid lactation rest periods and designated locations for employees to express-milk.

Policy

1. Provisions of this policy for pregnancy transfer and leave are applicable to all pregnant job applicants and Metro employees. Paid and lactation rest periods and designated locations are applicable to all employees.
2. Where provisions of an applicable collective bargaining agreement conflict with this policy, the provisions of that agreement will prevail.
3. Metro will provide job applicants and employees a reasonable accommodation for known limitations related to pregnancy, childbirth or a related medical condition, unless the accommodation imposes an undue hardship on Metro’s operations.
4. **Reasonable Accommodation.** Accommodations for pregnancy-related conditions include, but are not limited to, lactation, acquiring or modifying equipment or devices, providing more frequent or longer breaks, assisting with manual labor or modifying work schedules or job assignments.
5. **Modified Duty.** To request modified duty, employees must provide their supervisor or the HR Department with written medical restrictions from their health care provider.
 - a. Supervisors must forward this information to HR immediately.
 - b. Employees who work around chemicals may find it helpful to ask their health care provider to review copies of the Material Safety Data Sheets (MSDS) for

their work area. Supervisors will ensure that MSDS sheets are available to employees.

- c. If more information is needed to clarify the restrictions or evaluate the suitability of possible transfer options, the HR Department may request that the employee provide additional information before a decision is made on the employee's request. With the employee's consent, the HR Benefits Manager may request follow-up information directly from the employee's health care provider.
- d. Employees are not required to meet eligibility requirements under the ADA, OFLA or FMLA to qualify for modified duty, transfer or leave under this policy.
- e. Metro will not assume a pregnant employee is unable to perform regular duties without a request by the employee.
- f. The employee must meet all the attendance, conduct, and performance expectations for the modified duty or transfer position.

6. **Temporary Transfer.** A temporary transfer will be provided only if:
 - a. It is not feasible to modify the duties of the employee's current position;
 - b. There is an available position for which the employee is qualified;
 - c. The duties in the temporary position are consistent with the employee's medical restrictions; and
 - d. The transfer does not create a hardship to Metro's operations.
7. **Leave of Absence.** A leave of absence will be granted only if Metro cannot make a reasonable accommodation to the known limitation in some other way. If necessary, an eligible employee may request leave pending consideration of another request for reasonable accommodation.
 - a. A leave of absence for pregnancy will be paid from accrued paid time off. Once accrued paid time off is exhausted, leave will be unpaid.
 - b. If the employee is benefits-eligible, benefits will be continued for as long as the employee's leave is paid by accruals. For unpaid leave, benefits will continue through the last day of the month following the month in which unpaid leave begins. After that date, leave will be without benefits unless the employee elects to continue benefits at the employee's own expense.
 - i. If the leave is covered by OFLA/FMLA, benefits will continue as described in that policy.
 - c. Leave will be granted for as long as the employee is unable to perform any suitable and available positions due to pregnancy-related medical restrictions.
 - d. Leave granted under this policy will not be counted against the employee's attendance record for purposes of discipline or performance evaluations.
8. The position of an employee who has been transferred or is on leave may be filled on a temporary basis or kept vacant until the employee is reinstated.
9. An employee whose medical restrictions change or are lifted must notify their supervisor and submit a copy of the release or revised restrictions to the HR Department by the employee's next scheduled work shift or within three business days of the date on the release, whichever comes first.

10. Metro will reinstate an employee to their regular position within ten business days of receiving a medical release indicating that the employee is able to perform all the duties of that position, unless the position has been eliminated or the employee is no longer eligible for the position for reasons unrelated to the pregnancy transfer or leave.
 - a. In the event that the employee's regular position is eliminated, the employee will be subject to layoff consistent with applicable policy and contract provisions.
11. Metro may remove an employee from a modified duty or transfer assignment for any of the following reasons:
 - a. The employee's medical restrictions are lifted or change substantially such that the modified duty or transfer assignment is no longer appropriate;
 - b. The employee is unable or unwilling to meet the attendance, performance and conduct expectations for the modified duty or transfer assignment; or
 - c. Continuation of the modified duty or transfer assignment will create an undue hardship to Metro's operations.

12. Nursing Individuals

- a. Metro will maintain a list of designated locations in private areas and in close proximity to an employee's workstation, other than a public restroom or toilet stall, to express milk and will be responsible for maintaining these locations in accordance with state and federal laws.
- b. All employees are entitled to take reasonable amounts of time to take lactation rest periods to express milk. There is no limit on number of lactation rest periods that can be taken.
- c. The employee should, if feasible, take the lactation rest periods at the same time as the breaks or meal periods that are otherwise provided to the employee.
- d. Supervisors should provide flexible schedules to accommodate individual employees' needs when feasible.
- e. If the employee no longer has need for the provisions of this policy or no longer qualifies, she should inform her supervisor and return to a regular work schedule
- f. Responsibilities
 - i. Employee:
 1. Provide written or verbal notice to your supervisor that you intend to express milk upon returning to work.
 2. Provide notice to supervisor of needed lactation rest periods. Will be responsible for storing breast milk. An employee may bring a cooler or insulated food container or use Metro refrigerator open for personal use at the worksite.
 - ii. Supervisor
 1. Become familiar with this policy and the designated locations at their worksite.
 2. Upon request for a rest period to express breast milk, supervisors will grant a reasonable amount of time for the break.
 3. Provide flexible schedules to accommodate employees' needs.
 4. Contact Metro Human Resources if questions arise regarding designated locations or scheduling.

iii. Human Resources Department

1. Work with employees and supervisors to ensure employee requests for lactation rest periods are provided.
2. Maintain a current list of designated locations at every Metro worksite and inspect them periodically to make sure they comply with the policy. When feasible, obtain employee feedback when a new designated location is established.