on the basis of sex, unless sex is a bona
fide occupational qualification for the
positions in question as set forth in
§113.550.

§113.525 Fringe benefits.
(a) “Fringe benefits” defined. For pur-
poses of these Title IX regulations,
fringe benefits means: Any medical, hos-
pital, accident, life insurance, or re-
tirement benefit, service, policy or
plan, any profit-sharing or bonus plan,
leave, and any other benefit or service
of employment not subject to the pro-
vision of §113.515.
(b) Prohibitions. A recipient shall not:
(1) Discriminate on the basis of sex
with regard to making fringe benefits
available to employees or make fringe
benefits available to spouses, families,
or dependents of employees differently
upon the basis of the employee’s sex;
(2) Administer, operate, offer, or par-
ticipate in a fringe benefit plan that
does not provide for equal periodic ben-
efits for members of each sex and for
equal contributions to the plan by such
recipient for members of each sex; or
(3) Administer, operate, offer, or par-
ticipate in a pension or retirement plan
that establishes different optional or
compulsory retirement ages based on
sex or that otherwise discriminates in
benefits on the basis of sex.

§113.530 Marital or parental status.
(a) General. A recipient shall not
apply any policy or take any employ-
ment action:
(1) Concerning the potential marital,
parental, or family status of an em-
ployee or applicant for employment
that treats persons differently on the
basis of sex; or
(2) Which is based upon whether an
employee or applicant for employment
is the head of household or principal
wage earner in such employee’s or ap-
plicant’s family unit.
(b) Pregnancy. A recipient shall not
discriminate against or exclude from
employment any employee or applicant
for employment on the basis of preg-
nancy, childbirth, false pregnancy, ter-
mination of pregnancy, or recovery therefrom.
(c) Pregnancy as a temporary disability.
Subject to §113.235(d), a recipient shall
treat pregnancy, childbirth, false preg-
nancy, termination of pregnancy, re-
cover therefrom, and any temporary
disability resulting therefrom as any
other temporary disability for all job-
related purposes, including commence-
ment, duration, and extensions of
leave, payment of disability income,
accrual of seniority and any other ben-
efit or service, and reinstatement, and
under any fringe benefit offered to em-
ployees by virtue of employment.
(d) Pregnancy leave. In the case of a
recipient that does not maintain a
leave policy for its employees, or in the
case of an employee with insufficient
leave or accrued employment time to
qualify for leave under such a policy, a
recipient shall treat pregnancy, child-
birth, false pregnancy, termination of
pregnancy, and recovery therefrom as a
justification for a leave of absence
without pay for a reasonable period of
time, at the conclusion of which the
employee shall be reinstated to the sta-
tus that she 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 employ-
ment.

§113.535 Effect of state or local law or
other requirements.
(a) Prohibitory requirements. The obli-
gation to comply with §§113.500
through 113.550 is not obviated or alle-
viated by the existence of any State or
local law or other requirement that im-
poses prohibitions or limits upon em-
ployment of members of one sex that
are not imposed upon members of the
other sex.
(b) Benefits. A recipient that provides
any compensation, service, or benefit
to members of one sex pursuant to a
State or local law or other requirement
shall provide the same compensation,
service, or benefit to members of the
other sex.

§113.540 Advertising.
A recipient shall not in any adver-
tising related to employment indicate
preference, limitation, specification, or
discrimination based on sex unless sex
is a bona fide occupational qualifica-
tion for the particular job in question.