

## § 618.535

for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) *Pregnancy as a temporary disability.* Subject to § 618.235(d), a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, recovery therefrom, and any temporary disability resulting therefrom as any other temporary disability for all job-related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees 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, childbirth, 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 status 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 employment.

## § 618.535 Effect of state or local law or other requirements.

(a) *Prohibitory requirements.* The obligation to comply with §§ 618.500 through 618.550 is not obviated or alleviated by the existence of any State or local law or other requirement that imposes prohibitions or limits upon employment 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.

## 45 CFR Ch. VI (10–1–13 Edition)

### § 618.540 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job in question.

### § 618.545 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss” or “Mrs.”

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by these Title IX regulations.

### § 618.550 Sex as a bona fide occupational qualification.

A recipient may take action otherwise prohibited by §§ 618.500 through 618.550 provided it is shown that sex is a bona fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section that is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee’s sex in relation to employment in a locker room or toilet facility used only by members of one sex.

## Subpart F—Procedures

### § 618.600 Notice of covered programs.

Within 60 days of September 29, 2000, each Federal agency that awards Federal financial assistance shall publish in the FEDERAL REGISTER a notice of the programs covered by these Title IX regulations. Each such Federal agency shall periodically republish the notice of covered programs to reflect changes

## National Science Foundation

## § 630.105

in covered programs. Copies of this notice also shall be made available upon request to the Federal agency's office that enforces Title IX.

### § 618.605 Enforcement procedures.

The investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) ("Title VI") are hereby adopted and applied to these Title IX regulations. These procedures may be found at 45 CFR part 611.

## PART 630—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

### Subpart A—Purpose and Coverage

Sec.

- 630.100 What does this part do?
- 630.105 Does this part apply to me?
- 630.110 Are any of my Federal assistance awards exempt from this part?
- 630.115 Does this part affect the Federal contracts that I receive?

### Subpart B—Requirements for Recipients Other Than Individuals

- 630.200 What must I do to comply with this part?
- 630.205 What must I include in my drug-free workplace statement?
- 630.210 To whom must I distribute my drug-free workplace statement?
- 630.215 What must I include in my drug-free awareness program?
- 630.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 630.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 630.230 How and when must I identify workplaces?

### Subpart C—Requirements for Recipients Who Are Individuals

- 630.300 What must I do to comply with this part if I am an individual recipient?
- 630.301 [Reserved]

### Subpart D—Responsibilities of National Science Foundation Awarding Officials

- 630.400 What are my responsibilities as a National Science Foundation awarding official?

### Subpart E—Violations of This Part and Consequences

- 630.500 How are violations of this part determined for recipients other than individuals?
- 630.505 How are violations of this part determined for recipients who are individuals?
- 630.510 What actions will the Federal Government take against a recipient determined to have violated this part?
- 630.515 Are there any exceptions to those actions?

### Subpart F—Definitions

- 630.605 Award.
- 630.610 Controlled substance.
- 630.615 Conviction.
- 630.620 Cooperative agreement.
- 630.625 Criminal drug statute.
- 630.630 Debarment.
- 630.635 Drug-free workplace.
- 630.640 Employee.
- 630.645 Federal agency or agency.
- 630.650 Grant.
- 630.655 Individual.
- 630.660 Recipient.
- 630.665 State.
- 630.670 Suspension.

AUTHORITY: 41 U.S.C. 701 *et seq.*

SOURCE: 68 FR 66557, 66634, Nov. 26, 2003, unless otherwise noted.

### Subpart A—Purpose and Coverage

#### § 630.100 What does this part do?

This part carries out the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*, as amended) that applies to grants. It also applies the provisions of the Act to cooperative agreements and other financial assistance awards, as a matter of Federal Government policy.

#### § 630.105 Does this part apply to me?

(a) Portions of this part apply to you if you are either—

(1) A recipient of an assistance award from the National Science Foundation; or

(2) A(n) National Science Foundation awarding official. (See definitions of award and recipient in §§ 630.605 and 630.660, respectively.)

(b) The following table shows the subparts that apply to you: