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 employment 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 applicant'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 pregnan-
cy, childbirth, false pregnancy, termina-
tion 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, recovery 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-
etit 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 obliga-
tion to comply with §§113.500 through 113.550 is not obviated or allevi-
ated 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.