Summary of Pregnancy Accommodation Laws

AS OF MAY 2018

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming
Unlawful Practices

Defines as an unlawful employment practice:

• The refusal of an employer to grant a reasonable accommodation requested by a pregnant employee upon advice of her doctor.
• For an employer to refuse to allow an eligible employee to take up to 4 months of leave for qualifying reasons on CA PDL (pregnancy disability leave).
• For an employer to refuse to transfer a pregnant employee to a less strenuous position upon her request and advice of her doctor, where such transfer can be reasonably accommodated.

Accommodations Required

Accommodations may include, but are not limited to:
(1) Modifying work practices or policies;
(2) Modifying work duties;
(3) Modifying work schedules to permit earlier or later hours, or to permit more frequent breaks (e.g., to use the restroom);
(4) Providing furniture (e.g., stools or chairs) or acquiring or modifying equipment or devices; or
(5) Providing a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private.

Undue Hardship

This specific statute does not provide for the employer to assert an undue hardship defense to a request for accommodation.

Healthcare Benefits

Employers who otherwise pay for employee healthcare benefits must continue to do so for 4 months of employee’s PDL.

Notice to Employees

Employers must provide notice of rights under FEHA/CFRA and PDL to any employee seeking PDL or reasonable accommodation(s) for pregnancy, childbirth or related conditions.
Colorado

Colo. Rev. Stat. §24-34-402.3

Unlawful Practices

Requires employers to provide reasonable accommodations to employees and applicants with health conditions related to pregnancy, childbirth, or recovery.

Accommodations Required

Reasonable accommodations may include, but is not limited to, the provision of more frequent or longer break periods; more frequent restroom, food, and water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy; job restructuring; light duty, if available; assistance with manual labor; or modified work schedules as long as the employer is not required to do any of the following:

- Hire new employees that the employer would not otherwise have hired;
- Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job;
- Create a new position, including a light duty position for the employee, unless a light duty position would be provided for another equivalent employee; or
- Provide the employee paid leave beyond that which is provided to similarly situated employees.

Prohibits an employer from requiring an employee or applicant who is pregnant, or recovering from childbirth or related conditions, to accept an accommodation (including leave of absence) that has not been requested and is not necessary to perform the essential functions of her job.

Undue Hardship

The employer can deny an employee’s request if it can show that the accommodation would impose an undue hardship, defined as an action requiring significant difficulty or expense. In determining undue hardship, the following factors may be considered: (A) The nature and cost of the accommodation; (B) The overall financial resources of the employer; (C) The overall size of the employer’s business with respect to the number of employees and the number, type, and location of the available facilities; and (D) The accommodation’s effect on expenses and resources or its effect upon the operations of the employer. (II) The employer’s provision of, or a requirement that the employer provide, a similar accommodation to other classes of employees creates a rebuttable presumption that the accommodation does not impose an undue hardship.

Notice to Employees

Employers must provide notice of rights under FEHA/CFRA and PDL to any employee seeking PDL or reasonable accommodation(s) for pregnancy, childbirth or related conditions.
Connecticut


Unlawful Practices

Prohibited discriminatory practices include:

- The failure or refusal to grant reasonable accommodation to an employee or applicant due to pregnancy, unless employer can prove undue hardship;
- Forcing a pregnant employee or applicant to accept a reasonable accommodation if that person doesn’t have a known limitation related to pregnancy or doesn’t require accommodation;
- Refusal to grant a reasonable leave of absence for disability relating from an employee’s pregnancy;
- Failure or refusal to reinstate the employee to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits upon her signing her intent to return unless, in the case of a private employer, the employer’s circumstances have so changed as to make it impossible or unreasonable to do so;
- To fail or refuse to make a reasonable effort to transfer a pregnant employee to any suitable temporary position which may be available in any case in which an employee gives written notice of her pregnancy to her employer and the employer or pregnant employee reasonably believes that continued employment in the position held by the pregnant employee may cause injury to the employee or fetus; (F) to fail or refuse to inform the pregnant employee that a transfer pursuant to subparagraph (E) of this subdivision may be appealed under the provisions of this chapter;
- To fail or refuse to inform employees of the employer, by any reasonable means, that they must give written notice of their pregnancy in order to be eligible for transfer to a temporary position.

Accommodations Required

Requires employers to provide reasonable accommodations to pregnant employees, including: “being permitted to sit while working, frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth or break time and appropriate facilities for expressing breast milk.”

Undue hardship. “Undue Hardship” means an action requiring significant difficulty or expense when considered in light of factors such as (A) the nature and cost of the accommodation; (B) the overall financial resources of the employer; (C) the overall size of the business of the employer with respect to the number of employees, and the number, type and location of its facilities; and (D) the effect on expenses and resources or the impact otherwise of the accommodation upon the operation of the employer.

Notice to Employees

Employers must provide notice of rights to all existing employees within 120 days of the effective date (by January 28, 2018), upon hire, and within 10 days of an employee providing notice of her pregnancy. Employers must also post notice in both English and Spanish. The Labor Commissioner is creating a form of notice that can be used for this purpose.
Delaware


Unlawful Practices

Employers cannot:

• Limit, segregate or otherwise classify an employee or applicant so as to limit her opportunities due to pregnancy;
• Fail or refuse to provide “reasonable accommodation(s)”
• for known limitations related to pregnancy unless doing so would cause an undue hardship;
• Deny employment opportunities to an applicant or employee because of the need to provide reasonable accommodation;
• Require an employee or applicant to accept a reasonable accommodation, if it is not needed to perform an essential job function.
• Require an employee to take a leave of absence if a reasonable accommodation could be provided.
• Take adverse employment action against and employee for requesting or using a reasonable accommodation for known limitations related to pregnancy.

Accommodations Required

Requires employers to consider reasonable accommodations for known limitations of a person related to pregnancy, childbirth, or related conditions, absent a showing of undue hardship.

Reasonable accommodations are defined to include: acquisition of equipment for sitting, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth, or break time and appropriate facilities for expressing breast milk.

Undue Hardship

Means an action requiring significant difficulty or expense when considered in light of factors such as:

the nature and cost of the accommodation; the overall financial resources of the employer; the overall size of the business of the employer with respect to the number of employees, and the number, type and location of its facilities; and the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer.

Notice to Employees

Employers must provide notice of rights under FEHA/CFRA and PDL to any employee seeking PDL or reasonable accommodation(s) for pregnancy, childbirth or related conditions.
Unlawful Practices

Employers may not:

• Refuse an accommodation unless it would cause significant hardship or expense to the business;
• Take adverse action against an employee for requesting an accommodation;
• Deny employment opportunities to the employee because of the request or need for an accommodation;
• Require an employee to take leave if a reasonable accommodation can be provided; or
• Require employees to accept an accommodation unless it is necessary for the employee to perform her job duties.

Accommodations Required

Requires employers to make reasonable accommodations to employees whose ability to perform the essential functions of her job is affected by pregnancy, childbirth or related condition or breastfeeding.

Reasonable accommodations defined to include:

• More frequent or longer breaks;
• Time off to recover from childbirth;
• Modification of equipment or seating;
• Transfer to a less strenuous or hazardous job;
• Job restructuring, such as light duty or a modified work schedule;
• Having employee refrain from heavy lifting;
• Relocating the employee’s work area;
• Providing private non-bathroom space for expressing breast milk; or
• Time off due to pre-birth complications

Documentation

The employer may require an employee to provide certification from a health care provider indicating a reasonable accommodation is advisable. The certification must include: (1) the date the accommodation became or will become medically advisable; (2) an explanation of the medical condition and need for a reasonable accommodation; and (3) the probable length of time the accommodation should be provided.

Undue Hardship

Means any action that requires significant difficulty in the operation of the employer’s business or significant expense on the behalf of the employer when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.

Notice to Employees

Employer required to post and maintain in a conspicuous place a notice of rights in both English and Spanish and provide written notice of an employee’s right to a needed reasonable accommodation related to pregnancy, childbirth, related medical conditions, or breastfeeding pursuant to this act to: (1) new employees at the commencement of employment; and (2) an employee who notifies the employer of her pregnancy, or other condition covered by this act, within 10 days of the notification. The employer shall provide an accurate written translation of the notice of rights to any non-English or non-Spanish speaking employee.
Hawaii

H.R.S. §378-2; Hawaii Code R §§12-46-107-1086

**Unlawful Practices**

Employers cannot exclude an applicant due to pregnancy or to take adverse employment action against an employee due to pregnancy, childbirth or related conditions.

**Accommodations Required**

Requires employers to “make every reasonable accommodation to the need of the female affected by disability due to pregnancy, childbirth or related medical conditions.” Statute does not list specific accommodations.

Provides for employers to grant leave (paid or unpaid) to an employee disabled by pregnancy, childbirth or related conditions for a “reasonable period of time” (the amount of time the employee’s doctor certifies as her need for leave). Employee is entitled to reinstatement to her original or a comparable job; employer can require employee to provide return to work certification prior to employee’s return. Does not require employer to provide leave for childcare; however, employers who choose to do so must grant such leaves without regard to employee’s gender.
Illinois

75 Ill. Comp. Stat. 5/2-102 (l)-(k)

Unlawful Practices

An employer cannot:

- Refuse to hire or take adverse action (includes training or selection of apprenticeship) on the basis of pregnancy, childbirth or common medical conditions related to pregnancy or childbirth.
- Require an employee or applicant affected by pregnancy/childbirth/related conditions to accept an accommodation she does not want and chooses not to accept.
- Require an employee to take leave if a reasonable accommodation can be provided.
- Refuse to reinstate an employee to her original job when she returns to work from childbirth or indicates she no longer needs a reasonable accommodation, unless the employer can show undue hardship.

Accommodations Required

Employer must make reasonable accommodation to applicant or employees for disability related to pregnancy or childbirth absent undue hardship. Requires employee and employer “to engage in a timely, good faith and meaningful exchange to determine effective reasonable accommodations.”

Reasonable accommodations include: more frequent or longer bathroom breaks, breaks for increased water intake, breaks for periodic rest; private non-bathroom space to express breast milk/breastfeed; seating; assistance with manual labor; light duty; temporary transfer to a less strenuous or hazardous position; provision of an accessible worksite; acquisition or modification of equipment; job restructuring; a part-time or modified work schedule; appropriate adjustment or modifications of examinations, training materials or policies; reassignment to a vacant position; time off to recover from conditions related to childbirth; leave necessitated by pregnancy, childbirth or medical or common conditions resulting from pregnancy or childbirth.

Documentation

Employer may require the employee to provide documentation from employee’s physician limited to the medical justification for the requested accommodation(s), a description of accommodations medically advisable, the date such accommodations became medically advisable, and the probable duration of such accommodation(s).

Undue Hardship

Means an action that is prohibitively expensive or disruptive when considered in light of the following factors: (i) the nature and cost of the accommodation needed; (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources, or the impact otherwise of the accommodation upon the operation of the facility; (iii) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type, and location of its facilities; and (iv) the type of operation or operations of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer. The employer has the burden of proving undue hardship.

Notice to Employees

Employer must post employee notices of rights in conspicuous locations where such notices are customarily posted and to include such information in the employee handbook.
Louisiana


Unlawful Practices

It is unlawful for an employer to:

• Refuse to promote (or allow to participate in a training program that is required for a promotion that she can complete at least 3 months prior to expected departure for childbirth) a female employee because of her pregnancy, childbirth or related medical conditions.

• Refuse to allow an employee who is disabled by pregnancy/childbirth/related conditions the ability to take sick or disability leave available to other similarly-situated disabled employees.

• Refuse to allow an employee who is disabled by pregnancy/childbirth/related conditions to take a “reasonable leave of absence (defined as no longer than 4 months) during which the employee is disabled due to pregnancy, childbirth, or related conditions.

• Have a policy/practice or CBA of transferring female pregnant employees to less strenuous or hazardous positions or refusing to do so upon her request (provided that the transfer is to a position for which she is qualified and is not a promotion or does not displace another or more senior employee).

Accommodations Required

An employer that employs more than 25 employees within the state must allow a female employee affected by pregnancy, childbirth or related medical conditions to take a leave of absence for a reasonable length of time not to exceed 4 months.

The employer may require any employee who plans to take a leave to give reasonable notice of the date the leave will commence and the estimated duration of the leave.

An employer must allow a pregnant employee to transfer to a less strenuous or hazardous position if so she requests with the advice of her physician and if the transfer can be reasonably accommodated.
Maryland

Md. Code Ann State Govt. §20-609

Required Practices

Employers must treat temporary disabilities related to pregnancy or childbirth on the same terms and conditions as applied to other temporary disabilities for purposes of leaves of absence and health or disability or insurance sick leave plans.

Accommodations Required Absent Undue Hardship

Employers must “explore all possible means of providing reasonable accommodations” including changing the employee’s job duties, work hours, work area; providing mechanical or electrical aids; transferring the employee to a less strenuous or hazardous position; or providing leave.

Reasonable accommodation is defined to include one needed because of the employee’s disability caused or contributed to by the employee’s pregnancy and which does not pose an undue hardship to the employee’s employer.

Documentation

If the employee provides a certification of her healthcare provider (containing the date the reasonable accommodation became medically advisable, an explanatory statement of the medical advisability of the reasonable accommodation and probable duration) supporting her request for transfer, the employer is required to do so for the duration of her pregnancy, unless doing so would involve: creating a job, promoting the employee to a job for which she is not qualified, discharging another employee or displacement of an employee with more seniority.

Notice to Employees

Employers must post notice of employees’ rights to reasonable accommodations and leave for disability caused by or contributed to by pregnancy in conspicuous locations, including the employee handbook.
Massachusetts

(Effective April 1, 2018) Chapter 151B Mass.Gen. Laws Sec. 4 (1E)

Unlawful Practices

Employers cannot discriminate or retaliate against a pregnant employee or prospective employee in hiring and in terms and conditions of employment, or for requesting an accommodation.

Accommodations Required

Employers cannot deny an employee’s request for a reasonable accommodation due to an employee’s pregnancy or condition related to pregnancy, including lactation or expressing breast milk.

Employers must engage in a timely, good faith, and interactive process to determine effective reasonable accommodations to enable employees to perform the essential functions of their jobs. Accommodations include: more frequent or longer paid or unpaid breaks; time off to attend to a pregnancy complication or recover from childbirth, with or without pay; acquisition or modification of equipment or seating; a temporary transfer to a less strenuous or hazardous position; job restructuring; light duty; private non-bathroom space for expressing breast milk; assistance with manual labor; and modification of work schedule.

Employers cannot require an employee to accept an unnecessary accommodation, including a forced leave of absence.

Documentation

Employers can require documentation to support a request for a reasonable accommodation. The Act identifies a broad list of types of health care providers who can supply the documentation, including not just physicians but also a variety of other medical professionals, assistants, and therapists.

Documentation cannot be required for employee requests for: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds.

Undue Hardship

The employer can deny an employee’s request if it can show that the accommodation would impose an undue hardship, defined as significant difficulty or expense.

Notice to Employees

Effective April 1, 2018, employer must provide written notice of the right to be free from discrimination in relation to pregnancy, or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy. The employer must distribute the notice in a handbook, pamphlet or by other means to:

- New employees at the commencement of employment;
- Existing employees on or before April 1, 2018; and
- An employee who notifies the employer of a pregnancy or an employee who notifies the employer of a condition related to the employee’s pregnancy including, but not limited to, the need to express breast milk for a nursing child, within 10 days of such notification.
Minnesota

Minn. Stat. §§181.939, 181.9414

**Required Practices**

Employers must provide reasonable accommodations requested by a female employee for health conditions related to pregnancy or childbirth upon advice of her physician or a certified doula.

Employers cannot require an employee to take leave or accept an accommodation.

**Accommodations Required**

Reasonable accommodation may include, but are not limited to:

- Temporary transfer to a less strenuous position;
- Frequent restroom breaks; and
- Limits to heavy lifting

**Undue Hardship**

An employer cannot claim undue hardship for reasonable accommodations requested involving:

1. more frequent restroom, water and food breaks;
2. seating;
3. limits on lifting items over 20 pounds. Also, employee does not need to demonstrate her request for these accommodations is based on advice of her physician or certified doula.

**Notice to Employees**

Employers must post notice of employees’ rights.
Nebraska

_Neb. Rev. Stat. §§48-1102(11), 1107.2(2)_

**Unlawful Practices**

Defines as discrimination:

- Not making reasonable accommodations for the known limitations of an employee or applicant due to pregnancy or childbirth absent undue hardship.
- Using qualification standards or tests that screen out, or tend to screen out, individuals who are pregnant, or have given birth unless the standard or test is job-related and consistent with business necessity.
- Conducting a medical exam to determine if a person is pregnant, has given birth or has a related medical condition, unless job related and consistent with business necessity.

**Accommodations Required**

Requires employers to provide reasonable accommodations with respect to pregnancy, childbirth or related medical conditions, including more frequent or longer breaks, periodic rest, assistance with manual labor, light duty assignments, modified work schedules, time off to recover from childbirth and break time and appropriate facilities to breast feed or express breast milk.

**Undue Hardship**

Reasonable accommodation shall not include accommodations which the covered entity can demonstrate require significant difficulty or expense thereby posing an undue hardship upon the covered entity. Factors to be considered in determining whether an accommodation would pose an undue hardship shall include: (a) The nature and the cost of the accommodation needed; (b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility; (c) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of its employees, and the number, type, and location of its facilities; and (d) The type of operation or operations of the covered entity, including the composition, structure, and functions of the work force of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity.
Unlawful Practices

Employers cannot take an adverse action against an employee, refuse to provide a reasonable accommodation to an employee or applicant, or deny an employment opportunity to an otherwise qualified employee or applicant due to pregnancy, childbirth or a related medical condition. In addition, employers cannot require an employee or applicant to accept an accommodation (including a leave of absence) that she either declines or did not request.

Accommodations Required

If employee requests a reasonable accommodation, the employer is required to participate in a timely, good faith interactive process to determine a reasonable, effective accommodation.

A reasonable accommodation may include modifying equipment or providing different seating, revising break schedules, including frequency or duration of breaks, providing for space in an area other than a bathroom to express breast milk, providing assistance with manual labor if it is incidental to primary work duties, authorizing light duty, temporarily transferring the employee to a less strenuous or hazardous position, or job restructuring or a modified work schedule.

Documentation

Employer may require an explanatory statement from employee’s physician regarding the reasonable accommodations recommended.

Undue Hardship

Provides defense to employer if it can show that an accommodation would be significantly difficult or expensive to provide.

Notice to Employees

Employer required to post notice of pregnant employee rights in conspicuous location and to new employees upon hire, and within 10 days of an employer notifying the employer of her pregnancy.
New Jersey

NJ Stat. §10:5-12(S)\textsuperscript{14}

**Unlawful Practices**

Employers cannot treat a female employee that the employer knows or should know is affected by pregnancy or childbirth less favorably than similarly situated employees, including with respect to leaves of absence. “Pregnancy” means pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, including recovery from childbirth.

**Accommodations Required**

Requires employers, absent undue hardship, to make reasonable accommodation(s) to a woman affected by pregnancy, including increased water intake, periodic rest, assistance with manual labor, job restructuring and modified work schedules, transfer to less strenuous or hazardous work upon advice of her physician.

**Undue Hardship**

Employer excused from providing accommodation that is an undue hardship to its business. In determining whether an accommodation would impose undue hardship on the operation of an employer’s business, the factors to be considered include: the overall size of the employer’s business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer’s operations, including the composition and structure of the employer’s workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.
New York

NY Exec Law §§292\textsuperscript{15}, 296\textsuperscript{16}

**Unlawful Practices**

Prohibits discrimination against and requires reasonable accommodation for employees and applicants with a “pregnancy related condition.” Also defines as an unlawful discriminatory practice for an employer to compel an employee who is pregnant to take a leave of absence, unless the employee is prevented by such pregnancy from performing the activities involved in the job or occupation in a reasonable manner.

A “pregnancy related condition” is defined as a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques.

However, for employment purposes, the term is limited to conditions which, upon the provision of reasonable accommodations, do not prevent the employee from performing in a reasonable manner the activities involved in the job or occupation sought or held.

Also defines as an unlawful discriminatory practice for an employer to compel an employee who is pregnant to take a leave of absence, unless the employee is prevented by such pregnancy from performing the activities involved in the job or occupation in a reasonable manner.

**Accommodations Required**

Requires employer to make reasonable accommodations, absent undue hardship, to employees or applicants with “pregnancy related conditions.” Accommodations include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, job restructuring and modified work schedules; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

**Documentation**

The employee must cooperate in providing medical or other information that is necessary to verify the existence of the disability or pregnancy-related condition, or that is necessary for consideration of the accommodation. The employee has a right to have such medical information kept confidential.

**Undue Hardship**

Means an accommodation requiring significant expense or difficulty (including a significant interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system). Factors to be considered in determining whether the accommodation constitutes an undue economic hardship shall include, but not be limited to: (i) the identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the employer; (ii) the number of individuals who will need the particular accommodation to a sincerely held religious observance or practice; and (iii) for an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive. An accommodation shall be considered to constitute an undue hardship if it will result in the inability of an employee to perform the essential functions of the position in which he or she is employed.
North Dakota

N.D. Cent Code §14-02.4-03

Unlawful Practices

It is a discriminatory practice for an employer to fail or refuse to make reasonable accommodations for an otherwise qualified individual with a physical or mental disability, because that individual is pregnant, or because of that individual’s religion.

Undue Hardship

An employer is not required to provide an accommodation that would disrupt or interfere with the employer’s normal business operations; threaten an individual’s health or safety; contradict a business necessity of the employer; or impose an undue hardship on the employer, taking into consideration the size of the employer’s business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.

Accommodations Required

It is a discriminatory practice for an employer to fail or refuse to make reasonable accommodations for an otherwise qualified individual with a physical or mental disability, because that individual is pregnant, or because of that individual’s religion.
Rhode Island

R.I. Gen Laws §28-5-7.4

Unlawful Practices

Employers cannot:

• Refuse to provide a reasonable accommodation to an employee or prospective employee related to pregnancy, childbirth or related medical condition, including the need to express breast milk for a nursing child, unless the employer can demonstrate undue hardship
• Require an employee to take leave if another reasonable accommodation can be provided related to the employee’s pregnancy, childbirth or related condition
• Deny employment opportunities if such denial is related to refusal to provide reasonable accommodation to employee or prospective employee’s pregnancy, childbirth, or related condition

Accommodations Required

• Reasonable accommodations may include:
• More frequent or longer breaks
• Time off to recover from childbirth
• Access to equipment
• Job restructuring
• Light duty
• Seating
• Temporary transfer to a less strenuous or hazardous position
• Assistance with manual labor
• Modified work schedules
South Carolina


Unlawful Employment Practices

Defines as an unlawful employment practice, among other things, the refusal, absent undue hardship, for an employer to deny reasonable accommodation(s) to an employee or applicant with medical needs arising from pregnancy, childbirth or related medical conditions and to take adverse action against an employee or applicant on the basis of her need for reasonable accommodation(s).

Accommodations Required

Absent undue hardship, requires employers to provide reasonable accommodations to applicants or employees with medical needs arising from pregnancy, childbirth or related medical conditions.

Providing more frequent or longer break periods (but the employer is not required to compensate the employee for breaks that exceed normal paid breaks in duration or frequency);

- Providing more frequent bathroom breaks;
- A private space, other than a bathroom stall, to express breast milk (though employers not required to construct a permanent space for employees to do so);
- Modifying food or beverage policies;
- Providing seating or allowing the employee to sit more frequently if the job requires the employee to stand;
- Providing assistance with manual labor and limits on lifting;
- Temporarily transferring the employee to a less strenuous or hazardous vacant position, if qualified;
- Providing job restructuring or light duty, if available;
- Acquiring or modifying equipment or devices necessary for performing essential job functions; and
- Modifying work schedules.

Notice to Employees

Employers must:

- Provide written notice, in a conspicuous location, of employee’s rights
- Provide notice to new employees at time of hire
- Provide notice to existing employees within 120 days of the effective date of the Act.
Utah

**Utah Code §34A-5-106**

**Unlawful Practices**

It is an unfair or discriminatory practice for an employer:

- To take an adverse employment action or retaliate against a person because of pregnancy, childbirth or pregnancy-related conditions.
- To refuse to provide reasonable accommodation(s) for an employee who requests such accommodation(s) because of pregnancy, childbirth or pregnancy-related conditions, absent a showing of undue hardship to the employer’s operations.
- Absent undue hardship, to require an employee to terminate employment when another reasonable accommodation could be provided for the employee’s pregnancy, childbirth, breastfeeding or pregnancy-related conditions, or to deny employment opportunities to an employee based on the need for the employer to make reasonable accommodation(s) because of the employee’s pregnancy, childbirth, breastfeeding or pregnancy-related condition.

**Medical Certification**

An employer may require a certification from the employee’s healthcare provider concerning the medical advisability of a reasonable accommodation.

The certification must include:

- The date the reasonable accommodation becomes medically advisable
- The probable duration of the reasonable accommodation; and
- An explanatory statement as to the medical advisability of the reasonable accommodation

An employer may not require an employee to obtain a certification from the employee’s healthcare provider for more frequent restroom, food or water breaks.

**Notice to Employees**

An employer must notify employees of their right to reasonable accommodations for pregnancy, childbirth, breastfeeding or related conditions by including a written notification in an employee handbook or by posting the notification in a conspicuous place in the employer’s place of business.
Vermont

21 V.S.A. §495k (Effective January 1, 2018)\textsuperscript{20}

**Unlawful Practices**

It is an unlawful employment practice for an employer to fail to provide reasonable accommodation(s) for an employee’s pregnancy-related condition, unless it would pose an undue hardship on the employer.

**Notice to Employees**

Employer required to post notice of employee rights under this section in the form proscribed by the Commissioner in a conspicuous location at its place of business.
Washington

Healthy Starts Act (effective July 23, 2017) R.C.W. 43.1021

Unlawful Practices

It is an unfair practice for an employer:

• To fail or refuse to make reasonable accommodation to an employee for pregnancy, absent undue hardship.
• To take adverse action against or “deny employment opportunities to” an employee who makes a request for accommodation under this section
• To require an employee to take leave if another reasonable accommodation can be provided

Accommodations Required

Reasonable accommodations defined to include:

• Job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee’s work station
• Providing assistance with manual labor and limits on lifting
• Scheduling flexibility for prenatal visits

Documentation

Employer may request a written certification of the need for accommodation(s) from the employee’s healthcare provider but cannot do so if the requested accommodation is providing more frequent, longer or flexible restroom breaks, modifying a no food or drink policy, providing seating or allowing the employee to sit more frequently if her job requires her to stand or limits on lifting over 17 pounds.
West Virginia


Unlawful Practices

It is an unlawful employment practice:

• To not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a job applicant or employee, following delivery by the applicant or employee of written documentation from the applicant’s or employee’s health care provider that specifies the applicant’s or employee’s limitations and suggesting what accommodations would address those limitations, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business.

• To deny employment opportunities based on the employer’s refusal to make reasonable accommodations to known limitations of an employee or applicant based on pregnancy, childbirth or pregnancy-related medical conditions.

• To require an employee or applicant to accept a reasonable accommodation for pregnancy, childbirth or pregnancy-related medical conditions that the employee (or applicant) chooses not to accept.

• To require an employee to take a leave of absence if another reasonable accommodation can be provided to the known limitations of the employee due to pregnancy, childbirth or pregnancy-related medical conditions.

Accommodations Required

“Reasonable accommodation” may include:

• Making facilities readily accessible to and usable by employees
• Job restructuring
• Part-time or modified work schedules
• Reassignment to a vacant position
• Modified work policies or procedures
• Bathroom breaks
• Breaks for increased water intake
• Periodic rest
• Assistance with manual labor
• Providing time off for prenatal appointments
• Temporary transfer to a less strenuous position
• Allowing for more time or frequent eating and
• Allowing time for taking prescribed medications