The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yoursheka George.

## DIGEST 2021 Regular Session

**Barrow** 

<u>Present law</u> provides relative to accommodations for pregnancy, childbirth, and related medical conditions in certain places of employment. The provisions of <u>present law</u> are applicable only to employers who employ more than 25 employees within this state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

<u>Proposed law</u> makes <u>present law</u> applicable to employers who employ more than 15 employees within this state.

<u>Present law</u> provides that pregnancy, childbirth, and related medical conditions are to be treated as any other temporary disability with the employer being relieved of any responsibility to provide a female employee disability leave for a period exceeding six weeks following a normal pregnancy, childbirth, or related medical condition.

<u>Proposed law</u> retains <u>present law</u>. Provides the caveat that pregnancy-related medical conditions do not have to meet any definition of disability to trigger an employer's obligation to provide reasonable accommodations under proposed law.

<u>Present law</u> provides that it is an unlawful employment practice for any employer to refuse to temporarily transfer a pregnant female employee to a less strenuous or hazardous position, per the female employee's request and with the advice of her physician, if the transfer can be reasonably accommodated.

## Proposed law removes present law.

SB 215 Engrossed

<u>Proposed law</u> defines the phrases "reasonable accommodation", "related medical condition", and "undue hardship".

<u>Proposed law</u> makes it an unlawful employment practice for an employer to fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or other related medical conditions for an applicant for employment or an existing employee unless the employer first demonstrates that the accommodation would impose an undue hardship on the operation of the business.

<u>Proposed law</u> provides that an employer is not required to make certain provisions for an employee due to pregnancy, childbirth, or other related medical condition if the employer would not make the same provisions for other employees similarly situated.

Proposed law requires employers to provide written notice to new and existing employees of their

discretionary power to accommodate the medical needs of an employee arising from pregnancy, childbirth, lactation, postpartum, or related medical conditions.

<u>Proposed law</u> provides that violations of <u>proposed law</u> may be reported by an employee to the La. Commission on Human Rights and the employee may request an investigation as provided by law.

Effective August 1, 2021.

(Amends R.S. 23:341(A) and (B)(1) and 342; adds R.S. 23:341.1)

## Summary of Amendments Adopted by Senate

## Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

- 1. Makes technical changes.
- 2. Defines the term "related medical condition".