

1 H.136

2 Introduced by Representatives Till of Jericho, Brumsted of Shelburne,
3 Buckholz of Hartford, Burke of Brattleboro, Christie of
4 Hartford, Colburn of Burlington, Connor of Fairfield, Donovan
5 of Burlington, Dunn of Essex, Howard of Rutland City, Joseph
6 of North Hero, Macaig of Williston, Miller of Shaftsbury,
7 Poirier of Barre City, Stevens of Waterbury, Sullivan of
8 Burlington, Walz of Barre City, Weed of Enosburgh, and
9 Yantachka of Charlotte

10 Referred to Committee on

11 Date:

12 Subject: Labor; employment practices; unfair employment practices;
13 pregnancy; accommodations

14 Statement of purpose of bill as introduced: This bill proposes to require
15 employers to provide an accommodation to a pregnant employee unless the
16 accommodation would impose undue hardship on the employer.

17 An act relating to accommodations for pregnant employees

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 21 V.S.A. § 495k is added to read:

3 § 495k. ACCOMMODATIONS FOR PREGNANCY-RELATED

4 CONDITIONS

5 (a) It shall be an unlawful employment practice for an employer to:

6 (1) fail or refuse to reasonably accommodate an employee's condition
7 related to pregnancy, childbirth, or a related medical condition unless the
8 employer can demonstrate that the accommodation would impose an undue
9 hardship on the employer;

10 (2) require an employee to take leave if another reasonable
11 accommodation can be provided for an employee's condition related to
12 pregnancy, childbirth, or a related medical condition;

13 (3) deny employment opportunities to an employee if the denial is based
14 on the refusal of the employer to reasonably accommodate an employee's
15 condition related to pregnancy, childbirth, or a related medical condition;

16 (4) fail or refuse to treat, for an employment-related purpose, an
17 employee who the employer knows, or should know, is pregnant as well as the
18 employer treats or would treat any other employee who is not pregnant but is
19 similar in his or her ability or inability to work;

20 (5) require an employee to accept an accommodation that the employee
21 chooses not to accept, if the employee does not have a known limitation related

1 to pregnancy, childbirth, or a related medical condition, or if the
2 accommodation is unnecessary for the employee to perform the essential duties
3 of her job; or

4 (6) take adverse employment action against an employee for requesting
5 or using a reasonable accommodation for a condition related to pregnancy,
6 childbirth, or a related medical condition.

7 (b) As used in this section:

8 (1) "Reasonable accommodation" means the changes and modifications
9 which can be made in the structure of a job or in the manner in which a job is
10 performed. Reasonable accommodation may include more frequent or longer
11 breaks, time off to recover from childbirth, acquisition or modification of
12 equipment, seating, temporary transfer to a less strenuous or hazardous
13 position, job restructuring, light duty, assistance with manual labor, modified
14 work schedules, or the provision of unpaid leave in addition to any leave
15 provided pursuant to federal law or sections 472 and 472a of this title.

16 (2) "Undue hardship" means an action requiring significant difficulty or
17 expense to the employer. Factors to be considered in determining whether an
18 undue hardship is imposed by the requirement that reasonable accommodation
19 be made for a condition related to pregnancy, childbirth, or a related medical
20 condition include:

1 (A) the overall size of the employer's operation with respect to the
2 number of employees, number and type of facilities, and size of budget; and

3 (B) the cost for the accommodation needed.

4 (c) Nothing in this section shall be construed to affect any other law
5 providing protections against sex or pregnancy discrimination, pregnancy, or
6 any law that provides greater protection or benefits with respect to pregnancy,
7 childbirth, or a medical condition related to childbirth.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2017.