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

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DIGEST

SB 215 Original

2021 Regular Session

Barrow

Present law provides relative to accommodations for pregnancy, childbirth, and related medical conditions in certain places of employment. The provisions of present law 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.

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

Present law 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.

Proposed law retains present law and adds that lactation and postpartum are to be treated as any other temporary disability. 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.

Present law makes it an unlawful employment practice for any employer to refuse to promote, compensate, or train any female employee due to pregnancy, childbirth, or a related medical condition.

Proposed law adds lactation and postpartum to the list of conditions that are subject to unlawful employment practices. Removes gender restriction regarding an employer's requirement to provide employee disability leave on account of normal pregnancy, childbirth, lactation, postpartum, or related medical condition for a period exceeding six weeks.

Present law makes it an unlawful employment practice for any employer to refuse to allow a female employee affected by pregnancy, childbirth, or related medical conditions to receive the same benefits or privileges of employment granted by the employer to other employees who are temporarily disabled.

Proposed law removes the term female used to describe the employee, but otherwise retains present law.

Present law 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.

Proposed law defines the phrases "reasonable accommodation" and "undue hardship".

Proposed law 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.

Proposed law 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.

If the provisions of proposed law are violated, an employee may file a complaint with the La. Commission on Human Rights requesting an investigation of the complaint 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)