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DIGEST

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SB 215 Reengrossed

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 retains present law.

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. 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.

Proposed law provides that a "reasonable period of time" to be given for a pregnancy, childbirth, or related medical conditions means six weeks or a period of time not to exceed four months. Further provides that the employee shall be entitled to utilize any accrued annual leave during that period.

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 provides that the terms defined in proposed law are to be construed in accordance with federal laws regarding disability, and based on pregnancy, childbirth, and related medical conditions.

Proposed law defines the phrases "applicant or employee with covered limitations", "reasonable accommodation", "related medical condition", and "undue hardship".

Proposed law makes it an unlawful employment practice for an employer to fail or refuse to make reasonable accommodations for an applicant or employee with covered limitations, unless the employer can demonstrate 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, known to the employer, arising from pregnancy, childbirth, lactation, postpartum, or related medical conditions.

Effective August 1, 2021.

(Amends R.S. 23:341(B)(1) and 342; adds R.S. 23:341(D) and 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".

Senate Floor Amendments to engrossed bill

1. Removes provision expanding the number of businesses affected by this law based upon the number of employees and weeks worked.
2. Clarifies the definition of "related medical condition", "undue hardship"; and "reasonable period of time".
3. Allows an employee on leave for pregnancy, childbirth, or related medical conditions to utilize any accrued annual leave.
4. Removes the provision that violations may be reported by an employee to the La. Commission on Human Rights and the employee may request an investigation as provided by law.
5. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the reengrossed bill:

1. Make technical changes.
2. Provide that the terms define in proposed law are to be construed in accordance with certain federal laws.
3. Expand the definition of reasonable accommodation.
4. Provide that reasonable accommodation may include existing facilities used by employees readily accessible to and usable by individuals with medical needs arising from pregnancy or childbirth.
5. Define "applicant or employee with covered limitations".
6. Provide that an employer shall provide written notice of the right to be free from discrimination based on medical needs arising from pregnancy, childbirth, or related medical conditions known to the employer.