

RÉSUMÉ DIGEST

ACT 393 (SB 215)

2021 Regular Session

Barrow

Prior law provided relative to accommodations for pregnancy, childbirth, and related medical conditions in certain places of employment. Prior law is 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.

New law retains prior law.

Prior law provided 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.

New law retains prior 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 new law.

New 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.

Prior law provided 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.

New law removes prior law.

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

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

New 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.

New 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.

New 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)