AN ACT

To amend and reenact R.S. 23:341(B)(1) and 342 and to enact R.S. 23:341(D) and 341.1, relative to employment; to provide for reasonable accommodations of certain employees; to define certain terms; to provide terms and conditions of employer accommodations; to provide relative to unlawful employment practices; to provide for the equal treatment of employees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:341(B)(1) and 342 are hereby amended and reenacted and R.S. 23:341(D) and 341.1 are hereby enacted to read as follows:

§341. Application

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B.(1) For purposes of this Part, pregnancy, childbirth, and related medical conditions are treated as any other temporary disability, except pregnancy-related

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
conditions need not meet any definition of disability for the purposes of R.S. 23:342. However, no employer shall be required to provide a female employee disability leave on account of normal pregnancy, childbirth, or related medical condition for a period exceeding six weeks.

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D. Nothing in this Part shall impair any obligation an employer may have under any local ordinance or state or federal law or regulation.

§341.1. Definitions

A. The terms defined in this Part are to be construed in accordance with federal laws regarding disability, and based on pregnancy, childbirth, and related medical conditions.

B. For the purposes of this Part:

(1) "Applicant or employee with covered limitations" means an applicant for employment or an employee with medical needs causing limitations arising from pregnancy, childbirth, or related medical conditions, where such limitations are known to the employer.

(2) "Reasonable accommodation" may include but is not limited to the following:

(a) Making existing facilities used by employees readily accessible to and usable by an applicant or employee with covered limitations, provided the employer shall not be required to construct a permanent, dedicated space for expressing breast milk. Nothing in R.S. 23:342 exempts an employer from providing other reasonable accommodations.

(b) For an applicant or employee with covered limitations, providing scheduled and more frequent or longer compensated break periods; providing more frequent bathroom breaks; providing a private place, other than a bathroom stall, for the purpose of expressing breast milk; modifying food or drink policy; providing seating or allowing the employee to sit more frequently if the job requires the employee to stand; providing assistance with manual labor and limits on lifting; temporarily transferring the employee to a less
strenuous or hazardous vacant position, if qualified; providing job
restructuring or light duty, if available; acquiring or modifying equipment or
devices necessary for performing essential job functions; or modifying work
schedules.

(3) "Related medical condition" includes but is not limited to lactation
or the need to express breast milk for up to one year after the child's birth and
medical conditions related to pregnancy and childbirth.

(4) "Undue hardship" shall have the same meaning as the meaning given
to it in 42 U.S.C. 12111 of the Americans with Disabilities Act of 1990, as
amended.

§342. Unlawful practice by employers prohibited; pregnancy, childbirth, or related
medical condition; benefits and leaves of absence; transfer of position

A. It shall be an unlawful employment practice unless based upon a bona fide
occupational qualification:

(1) For any employer, because of the pregnancy, childbirth, or related
medical condition of any female employee, to refuse to promote her, or to refuse to
select her for a training program leading to promotion, provided she is able to
complete the training program at least three months prior to the anticipated date of
departure for her pregnancy leave, or to discharge her from employment or from a
training program leading to promotion, or to discriminate against her in
compensation or in terms, conditions, or privileges of employment.

(2) For any employer to refuse to allow a female employee affected by
pregnancy, childbirth, or related medical conditions either:

(a) To receive the same benefits or privileges of employment granted by that
employer to other persons not so affected who are similar in their ability or inability
to work, including to take disability or sick leave or any other accrued leave which
is made available by the employer to temporarily disabled employees.

(b) To take a leave on account of pregnancy for a reasonable period of time;
provided such period shall not exceed four months. Such employee shall be entitled
to utilize any accrued vacation leave during this period of time. "Reasonable period
of time" means that period during which the female employee is disabled on account
of pregnancy, childbirth, or related medical conditions. For the purposes of this
Subparagraph, "reasonable period of time" means six weeks for a normal
pregnancy and childbirth or the period of time during which the female
employee is disabled on account of the pregnancy, childbirth, or related medical
conditions, provided the period shall not exceed four months. The employee
shall be entitled to utilize any accrued annual leave during this period of time.

Nothing herein shall be construed to limit the provisions of R.S. 23:341(C) or
Subparagraph (2)(a) of this Section Paragraph. An employer may require any
employee who plans to take a leave pursuant to this Section to give the employer
reasonable notice of the date such leave shall commence and the estimated duration
of such leave.

(3) For an employer who has a policy, practice, or collective bargaining
agreement requiring or authorizing the transfer of temporarily disabled employees
to less strenuous or hazardous positions for the duration of the disability to refuse to
transfer a pregnant female employee who so requests.

(4) For any employer to refuse to temporarily transfer a pregnant female
employee to a less strenuous or hazardous position for the duration of her pregnancy
if she so requests, with the advice of her physician, where such transfer can be
reasonably accommodated, provided, however, that no employer shall be required
by this Part to create additional employment which the employer would not
otherwise have created, nor shall such employer be required to discharge any
employee, transfer any employee with more seniority, or promote any employee who
is not qualified to perform the job:

B. It shall be an unlawful employment practice to:

(1) 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 of the employer. However, the employer shall not be required to make
any of the following provisions, unless the employer does so for other employees
or classes of employees who need a reasonable accommodation:

(a) Create any additional employment opportunity or any new position, including a light duty position for the employee.

(b) Discharge an employee, transfer any employee with more seniority, or promote another employee who is not qualified to perform the job.

(2) Deny employment opportunities to a job applicant or existing employee, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions of the applicant for employment or existing employee.

(3) Require an applicant for employment or an existing employee affected by pregnancy, childbirth, or related medical conditions, to accept an accommodation that the applicant or employee chooses not to accept, if the applicant or employee does not have a known limitation related to pregnancy, childbirth, or related medical conditions, or if the accommodation is unnecessary for the applicant or employee to perform the essential duties of her job.

(4) Require an employee with covered limitations to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions.

(5) Take adverse action against an employee with covered limitations in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions.

C. 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, as provided in this Section to new employees at the commencement of employment and to existing employees prior to December 1, 2021. The written notice shall be conspicuously...
posted at an employer’s place of business in an area that is accessible to employees.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________