

FIRST REGULAR SESSION

HOUSE BILL NO. 349

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0855L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 213, RSMo, by adding thereto one new section relating to the pregnant workers' fairness act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 213, RSMo, is amended by adding thereto one new section, to be known as section 213.060, to read as follows:

213.060. 1. This section shall be known and may be cited as the "Pregnant Workers' Fairness Act".

2. As used in this section, "reasonable accommodation" and "undue hardship" shall have the same meanings as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. Section 12111.

3. It shall be an unlawful employment practice for an employer to:

(1) Not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a job applicant or employee, following delivery by the applicant or employee of written documentation from the applicant's or employee's health care provider that specifies the applicant's or employee's limitations and suggesting what accommodations would address those limitations, unless such employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer;

(2) Deny employment opportunities to a job applicant or employee, if such denial is based on the refusal of the employer to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of an employee or applicant;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **(3) Require a job applicant or employee affected by pregnancy, childbirth, or**
19 **related medical conditions to accept an accommodation that such applicant or employee**
20 **chooses not to accept; or**

21 **(4) Require an employee to take leave under any leave law or policy of the employer**
22 **if another reasonable accommodation can be provided to the known limitations related to**
23 **the pregnancy, childbirth, or related medical conditions of an employee.**

24 **4. (1) The powers, procedures, and remedies provided in this chapter to the**
25 **commission, the attorney general, or any person alleging a violation under this chapter**
26 **shall be the powers, procedures, and remedies this section provides to the commission,**
27 **attorney general, or any person, respectively, alleging an unlawful employment practice**
28 **in violation of this section against an employee or job applicant.**

29 **(2) No person shall discriminate against any individual because such individual has**
30 **opposed any act or practice made unlawful by this section or because such individual made**
31 **a charge, testified, assisted, or participated in any manner in an investigation, proceeding,**
32 **or hearing under this section. The remedies and procedures otherwise provided for under**
33 **this section shall be available to aggrieved individuals with respect to violations of this**
34 **subdivision.**

35 **5. The commission shall promulgate rules to implement the provisions of this**
36 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
37 **created under the authority delegated in this section shall become effective only if it**
38 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
39 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
40 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
41 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
42 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,**
43 **shall be invalid and void.**

44 **6. Nothing in this section shall be construed to invalidate or limit the remedies,**
45 **rights, and procedures that provides greater or equal protection for workers affected by**
46 **pregnancy, childbirth, or related medical conditions.**

47 **7. The commission shall on October first and each October first thereafter report**
48 **to the governor and general assembly the number of complaints filed under this section**
49 **during the previous year and the resolution of such complaints.**

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