



Councilmember Vincent B. Orange

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Vincent B. Orange introduced the following bill, which was referred to the Committee on _____.

To eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Protecting Pregnant Workers Fairness Act of 2014".

Sec. 2. Findings.

The Council finds that:

(1) Pregnant women are vulnerable to workplace discrimination.

(2) Current workplace laws are inadequate to protect pregnant women from being forced out or fired when they need a simple, reasonable accommodation in order to stay on the job.

1 (3) This form of discrimination should be combatted by requiring employers
2 to provide reasonable accommodations to pregnant women and those who suffer medical
3 conditions related to pregnancy and childbirth.

4 (4) Such a reasonable accommodation may include bathroom breaks, leave for
5 a period of disability arising from childbirth, breaks to facilitate increased water intake, periodic
6 rest for those who stand for long periods of time, and assistance with manual labor, among other
7 things.

8 (5) Many pregnant women are single mothers and the primary financial
9 providers for their families, and if they lose their jobs then the whole family will suffer.

10 Sec. 3. Definitions.

11 For purposes of this act, the term:

12 (1) "Reasonable accommodations" means an accommodation that can be made
13 that does not cause undue hardship in the operation of the employer's business. Reasonable
14 accommodations include: more frequent or longer breaks, time off to recover from childbirth,
15 acquisition or modification of equipment, seating, temporary transfer to a less strenuous or
16 hazardous position, job restructuring, light duty, break time and private non-bathroom space for
17 expressing breast milk, refraining from heavy lifting, or modified work schedules.

18 (2) "Undue hardship" means any action that requires significant difficulty or
19 expense when considered in relation to factors such as the size of the business, its financial
20 resources, and the nature and structure of its operation.

21 Sec. 4. Nondiscrimination with regard to reasonable accommodations related to
22 pregnancy.

23 (a) It shall be an unlawful employment practice for an employer:

1 (1) not to make reasonable accommodations to the known limitations related to
2 pregnancy, childbirth, related medical conditions, or breastfeeding for any job applicant or
3 employee unless the employer can demonstrate that the accommodation would impose an undue
4 hardship on the employer's program, enterprise, or business;

5 (2) Take an adverse action against an employee who requests or uses a reasonable
6 accommodation in terms, conditions or privileges of employment, including failing to reinstate
7 the employee to her original job or to an equivalent position with equivalent pay and
8 accumulated seniority, retirement, fringe benefits and other applicable service credits when her
9 need for reasonable accommodations ceases;

10 (3) To deny employment opportunities to a job applicant or employee, if such
11 denial is based on the need of the employer to make reasonable accommodations to the known
12 limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding of an
13 employee or applicant;

14 (4) To require a job applicant or employee affected by pregnancy, childbirth,
15 related medical conditions, or breastfeeding to accept an accommodation that such applicant or
16 employee chooses not to accept if such applicant or employee does not have a known limitation
17 related to pregnancy, childbirth, related medical conditions, or breastfeeding or if such
18 accommodation is unnecessary for the applicant or employee to perform her job; or

19 (5) Require an employee to take leave if a reasonable accommodation can be
20 provided to the known limitations related to pregnancy, childbirth, related medical conditions, or
21 breastfeeding of an employee.

22 (b) The employer shall engage in a timely, good faith, and interactive process with the
23 employee to determine effective reasonable accommodations.

1 Sec. 5. Notice of rights.

2 (a) This subdivision shall not be construed to preempt, limit, diminish or otherwise affect
3 any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish
4 the coverage for pregnancy, childbirth, or a condition related to pregnancy or childbirth, such as
5 breastfeeding, under any other provision of this section.

6 (b) An employer shall provide written notice to an employee of the employee's right to
7 be free from discrimination for conditions related to pregnancy, childbirth, related medical
8 conditions, or breastfeeding and the right to be provided with reasonable accommodations for
9 conditions pursuant to this act. The notice shall be provided to:

- 10 (1) New employees at the commencement of employment;
11 (2) Existing employees within 120 after the effective date of this act; and
12 (3) An employee who notifies the employer of her pregnancy within 10 days
13 of such notification.

14 (b) The notice of rights shall be available in both English and Spanish and conspicuously
15 posted at the employer's place of business in an area accessible to employees

16 (c) The employer shall provide accurate written translations of the notice of rights to any
17 non-English and non-Spanish speaking employees.

18 (d) The Department of Employment Services shall develop courses of instruction and
19 conduct ongoing public education efforts as necessary to inform employers, employees,
20 employment agencies, and job applicants about their rights and responsibilities under this act.

21 Sec. 6. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the fiscal
2 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
3 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

4 Sec. 7. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto by the
6 Mayor, action by Council to override the veto), a 30-day period of Congressional review as
7 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
8 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
9 Columbia Register.