

HOUSE BILL 834

By Jones

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21, Part 4 and Title 50, relative to employment-related discrimination.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, Part 4, is hereby amended by adding the following language as a new section:

(a) As used in this section:

(1) "Reasonable accommodation" means an accommodation that permits an employee to perform, in a reasonable manner, the essential functions related to the employee's employment, including, but not limited to, more frequent or longer breaks, acquisition or modification of equipment or seating, temporary transfer to a less strenuous or hazardous position or location, job restructuring, light duty or weight restrictions, assistance with manual labor, or modified work schedules. The term does not include an accommodation that is an undue hardship on an employer; and

(2) "Undue hardship" means an accommodation that:

(A) Is unreasonably expensive or difficult for an employer;

(B) Unreasonably interferes with the safe or efficient operation of the workplace; or

(C) Would result in the inability of an employee to perform the essential functions of the position in which the employee is employed.

(b) An employer shall make a reasonable accommodation for any pregnant employee upon the request of the pregnant employee for the reasonable accommodation.

(c) An employer may require a pregnant employee to provide documentation from the pregnant employee's healthcare provider concerning the medical advisability of a reasonable accommodation. Documentation provided under this subsection (c) must include:

(1) The date the reasonable accommodation became medically advisable;

(2) The probable duration of the reasonable accommodation; and

(3) An explanation as to the medical advisability of the reasonable accommodation.

(d) An employer shall post in a conspicuous location, and include in any employee handbook or manual, information concerning a pregnant employee's rights with respect to reasonable accommodations.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.