
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1892 Session of
2014

INTRODUCED BY PAINTER, COHEN, MUNDY, BROWNLEE, D. COSTA, DAVIS,
READSHAW, KIM, BRIGGS, SWANGER, SCHREIBER, DERMODY,
SCHLOSSBERG, MOLCHANY, BISHOP, M. DALEY, GAINNEY, YOUNGBLOOD,
DONATUCCI, PASHINSKI, FRANKEL, THOMAS, KINSEY, MCNEILL, SIMS,
WHITE, PARKER, CALTAGIRONE, STURLA AND D. MILLER,
FEBRUARY 19, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 19, 2014

AN ACT

1 Promoting women's health and economic security by eliminating
2 discrimination and ensuring reasonable workplace
3 accommodations for workers whose ability to perform the
4 functions of a job are limited by pregnancy, childbirth or a
5 related medical condition.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania
10 Pregnant Workers Fairness Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Commission." The Pennsylvania Human Relations Commission.

16 "Covered entity." The Commonwealth, a political subdivision
17 or board, department or commission of the Commonwealth, a school

1 district and a person employing one or more persons within this
2 Commonwealth.

3 "Person." One or more individuals, partnerships,
4 associations, organizations, corporations, legal
5 representatives, trustees in bankruptcy or receivers. The term
6 includes, but is not limited to, any owner, lessor, assignor,
7 builder, manager, broker, salesman, agent, employee, independent
8 contractor, lending institution and the Commonwealth of
9 Pennsylvania; and all political subdivisions, authorities,
10 boards and commissions thereof.

11 "Reasonable accommodation." A modification to the work
12 environment to enable an employee to continue working despite
13 limitations due to pregnancy, childbirth or related medical
14 conditions that do not present an undue hardship on the
15 employer. A reasonable accommodation may include, but is not
16 limited to:

17 (1) Providing a chair, assistance with heavy lifting,
18 access to drinking water or uncompensated break time.

19 (2) Temporary job restructuring, part-time or modified
20 work schedules, reassignment to a vacant position,
21 acquisition or modification of equipment or devices,
22 appropriate adjustment or modifications of examinations and
23 other similar accommodations.

24 Section 3. Reasonable accommodations related to pregnancy,
25 childbirth or related medical conditions.

26 (a) General rule.--It shall be an unlawful employment
27 practice for a covered entity to:

28 (1) Refuse an employee's or prospective employee's
29 request for reasonable accommodations for limitations related
30 to pregnancy, childbirth or related medical conditions,

1 unless such covered entity can demonstrate that the
2 accommodation would impose an undue hardship on the covered
3 entity's operations.

4 (2) Deny employment opportunities to an employee or
5 prospective employee, if such denial is based on the employee
6 or prospective employee's need for an accommodation related
7 to pregnancy, childbirth or related medical conditions.

8 (3) Require an employee or prospective employee to
9 accept an accommodation that changes the terms, privileges,
10 or conditions of their employment, including, but not limited
11 to, reductions in pay or hours or to changes in shifts or
12 location, unless requested or agreed to by the employee or
13 prospective employee.

14 (4) Require an employee to take leave under any policy
15 of the covered entity or law if other reasonable
16 accommodations can be provided to address the employee's
17 limitations related to pregnancy, childbirth or related
18 medical conditions that would enable the employee to continue
19 working.

20 (b) Undue hardship.--The covered entity shall have the
21 burden of proving undue hardship under subsection (a). The
22 factors to be considered in determining whether a requested
23 accommodation presents an undue hardship to the covered entity
24 include, but are not limited to:

25 (1) The overall size and nature of the covered entity,
26 its structure, the composition of its work force and the
27 number and type of facilities.

28 (2) The extent, nature and cost of the requested
29 reasonable accommodation.

30 (c) Nondiscrimination.--No person may discriminate or

1 retaliate against an individual because the individual has
2 opposed any act or practice made unlawful by this act or because
3 the individual made a charge, testified, assisted or
4 participated in any manner in an investigation, proceeding or
5 hearing under this act.

6 Section 4. Remedies and enforcement.

7 A person claiming discrimination in violation of section 3
8 may:

9 (1) if otherwise permitted by the laws or rules of this
10 Commonwealth, bring an action for preliminary injunctive
11 relief in an appropriate court. Any order or relief shall be
12 granted in accordance with Pa.R.C.P. No. 1531 (relating to
13 Special Relief. Injunctions.); or

14 (2) make, sign and file with the commission a verified
15 complaint in writing pursuant to the procedures set forth in
16 the act of October 27, 1955 (P.L.744, No.222), known as the
17 Pennsylvania Human Relations Act, with all appeals,
18 enforcement mechanisms, judicial review and remedies,
19 including damages and attorney fees, available under that
20 act.

21 Section 5. Notice.

22 The Commission shall create a written notice regarding
23 employees' rights under this act that employers shall display in
24 plain view in the workplace.

25 Section 6. Rulemaking.

26 Not later than two years after the effective date of this
27 act, the commission shall issue regulations in an accessible
28 format to effectuate the policies and provisions of this act.

29 Section 7. Effective date.

30 This act shall take effect in 60 days.