

GUIDANCE
REASONABLE ACCOMMODATION FOR
DISABILITIES DUE TO PREGNANCY

Chapter 548-HB 804
State Government Article, §20-609

POSTING/NOTICE:

Under the recent amendments to State Government Article, Title 20, §20-609, pregnant employees now have a statutory right to a reasonable accommodation if the pregnancy causes or contributes to a disability and the accommodation does not impose an undue hardship on the employer. The law requires an employer to provide notice as follows:

AN EMPLOYER SHALL POST IN A CONSPICUOUS LOCATION,
AND INCLUDE IN ANY EMPLOYEE HANDBOOK, INFORMATION
CONCERNING AN **EMPLOYEE'S RIGHT TO REASONABLE
ACCOMMODATIONS AND LEAVE FOR A DISABILITY CAUSED OR
CONTRIBUTED TO BY PREGNANCY.**

NOTE: THE LAW DOES NOT DIRECT MCCR TO CREATE A POSTER FOR SAID POSTING. HOWEVER, THE COMMISSION IS IN THE PROCESS OF REDOING ALL OF ITS ANTI-DISCRIMINATION POSTERS AND BROCHURES AND WILL CREATE A POSTER TO ADDRESS THIS NEW STATUTORY RIGHT.

In the interim employers should consult legal counsel for the specific language to post and provide in employee handbooks consistent with the highlighted language above.

KEY PROVISIONS:

An employee disabled contributed to or caused by pregnancy may request a reasonable accommodation and the employer must explore “all possible means of providing the reasonable accommodation.” The law lists a variety of options to consider in order to comply with a request for a reasonable accommodation including:

- Changing job duties
- Changing work hours
- Relocation
- Providing mechanical or electrical aids
- Transfers to less strenuous or less hazardous positions
- Providing leave

An employer may require certification from an employee's health care provider regarding the medical advisability of a reasonable accommodation to the same extent certification is required for other temporary disabilities. The certification shall include:

- Date a reasonable accommodation is medically advisable
- Probable duration
- Explanation as to the medical advisability of the reasonable accommodation.

RETALIATION:

If an employee seeks to exercise her right under the statute, an employer may not:

- Interfere with;
- Restrain;
- Deny the exercise; or
- Deny the attempt to exercise the right