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PREGNANCY ACCOMMODATION LAWS IN STATES & CITIES

Thirty states and five localities provide explicit protections for pregnant workers in need of a modest accommodation to stay healthy and employed. Twenty-five of these laws have passed since 2013 following a groundswell in state and local action to respond to the growing problem of pregnant workers being forced to choose between their health and their jobs. A Better Balance has worked with local campaigns to pass critically important legislation to protect pregnant workers in recent years. *Please note that these laws are complex and this page is not intended to provide legal advice, please consult with a local attorney or call us at **1-833-NEED-ABB** if you have questions about your rights.*



Alaska (1992)

- Upon employee request, **public sector employers** must offer pregnant employees transfer to a less strenuous or hazardous position provided that one is available, the transfer is recommended by a health care provider, and the employee is qualified for the new position.¹



California (2000)

- Employers with **five or more employees** must reasonably accommodate employees with health conditions related to pregnancy, childbirth, or related conditions.
- Reasonable accommodations include transfer to a less strenuous or hazardous position.
- Employers must notify employees of their rights and can require the advice of a healthcare provider for these accommodations.²



Colorado (2016): Bipartisan Passage

- **All employers** must provide reasonable accommodations to employees for health conditions related to pregnancy or the physical recovery from childbirth, if requested by the employee, unless the accommodations would impose an undue hardship on the business.
- Reasonable accommodations can include: more frequent or longer break periods; more frequent restroom, food, and water breaks; acquisition or

modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy; job restructuring; light duty, if available; assistance with manual labor; or modified work schedules.

- An employer can require a note from a health care provider stating the necessity of the accommodation.
- Employers must post notice of these rights, and provide written notice to employees.³



Connecticut (2017): Bipartisan Passage

- Employers with **three or more employees** must make reasonable accommodations, for employees or applicants, for pregnancy, childbirth, or related conditions, unless such an accommodation would impose an undue hardship on the employer.
- Reasonable accommodations, include, but are not limited to, permission to sit while working, taking longer or more frequent breaks, job restructuring, light duty assignments, time off to recover from childbirth, temporary transfer to a less strenuous or hazardous work, or break time and appropriate facilities to express breast milk.
- Employers must post notice of these rights, and provide written notice to employees.⁴



Delaware (2014): Unanimous, Bipartisan Passage

- Employers with **four or more employees** must provide reasonable accommodations to pregnant workers, workers recovering from childbirth, and

workers with related medical conditions, including lactation, unless the accommodations impose an undue hardship on the business.

- Possible reasonable accommodations include breaks, providing seating equipment, and an appropriate place to express breast milk.
- Employers must provide conspicuously posted written notice of these rights.⁵



D.C. (2015): Unanimous, Bipartisan Passage

- **All employees** who are pregnant, recovering from childbirth, or have a related medical condition, including lactation, must receive reasonable accommodations unless the accommodations impose an undue hardship on the business.
- Employers may require documentation from the worker's health care provider if it does so for other temporarily disabled employees.
- Possible reasonable accommodations include breaks, providing seating equipment, and an appropriate (non-bathroom) place to express breast milk.
- Employers must provide notice of these rights in both English and Spanish.⁶



Hawaii (1990)

- **All employers** must reasonably accommodate workers with needs due to pregnancy, childbirth, and related medical conditions.
- According to the Deputy Executive Director of the Hawaii Civil Rights Commission, though the regulations refer to "disabilities" caused by pregnancy and related conditions, even if you have a healthy pregnancy, you have the right to a preventative accommodation.⁷
- Women cannot be sanctioned for taking a reasonable time to recover from childbirth.
- Employers may require advice from the physician approving her return to work.⁸



Illinois (2015): Unanimous, Bipartisan Passage

- **All employers** must provide reasonable accommodations to workers and job applicants who have a medical or common condition related to pregnancy or childbirth unless the accommodations impose an undue hardship on the business.
- Possible reasonable accommodations include water and bathroom breaks, providing seating equipment,

and a private non-bathroom place to express breast milk and for breastfeeding.

- Employers may require documented advice from the worker's health care provider about the need for accommodation if they do so for employees with disabilities and the request is "job-related and consistent with business necessity."
- Employers must post notice of these rights in a conspicuous location and include them in the employee handbook.⁹



Kentucky (2019): Bipartisan Passage

- Employers with **fifteen or more employees** must make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition (including the need to express breast milk) who requests an accommodation, unless the accommodation would impose an undue hardship on the employer's business. An employee cannot be required to take leave if an accommodation can be provided.
- Reasonable accommodations may include more frequent or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, appropriate seating, temporary transfer to a less strenuous or less hazardous position, job restructuring, light duty, modified work schedule, and private space that is not a bathroom for expressing breast milk.
- Employers must provide written notice of these rights to all employees. Employers must also conspicuously post a written notice of these rights at their place of business.¹⁰



Louisiana (1997)

- Employers with **twenty-five or more employees** must transfer pregnant women to less-strenuous or hazardous jobs if they request it with the advice of their physicians and the move can be reasonably accommodated.
- An employer has to allow for transfer during pregnancy if it lets other temporarily disabled employees have job transfers.¹¹



Maine (2019): Bipartisan Passage

- **All employers** must make reasonable accommodations, upon request, for any employee with a pregnancy-related condition, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's

business. A pregnancy-related condition means a known limitation of an employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including but not limited to lactation.

- Reasonable accommodations may include, but are not limited to: providing more frequent or longer breaks; temporary modification in work schedules, seating, or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation.¹²



Maryland (2013): Bipartisan Passage

- If you work for an employer with **fifteen or more employees**, and you need a "reasonable accommodation" because of a "disability that is contributed to or caused by pregnancy," your employer must explore with you all possible means of accommodating you unless it would be really difficult or expensive.
- Your employer may require you to provide medical certification from your healthcare provider about the need for an accommodation if they require medical certification from other temporarily disabled employees.
- Examples of accommodations explicitly covered by the law include changing your job duties or work hours, relocating your work area, transferring you to a less strenuous or hazardous position, and providing leave.¹³



Massachusetts (2018): Unanimous, Bipartisan Passage

- Employers with **six or more employees** cannot deny reasonable accommodations to pregnant employees or employees with a condition related to pregnancy, including lactation or the need to express breast milk for a nursing child, if the employee requests an accommodation, unless it causes an undue hardship on the employer.
- Reasonable accommodations include, but are not limited to more frequent or longer paid or unpaid breaks; time off to attend to a pregnancy complication or recover from childbirth with or without pay, acquisition or modification of equipment or seating; temporary transfer to a less strenuous or hazardous position; job restructuring; light duty; private non-bathroom space for expressing breast milk; assistance with manual labor; or a modified work schedule.
- Employers are allowed to require that employees submit documentation from an appropriate health

care or rehabilitation professional but may not require documentation if the employee is requesting more frequent restroom, food, or water breaks; seating; limits on lifting over 20 pounds; or private non-bathroom space for expressing breast milk.

- Employers must distribute written notice of these rights to all employees.¹⁴



Minnesota (2014): Bipartisan Passage

- Employers with **twenty-one or more employees** must provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she requests it and it is advised by her licensed health care provider or certified doula, unless it is an undue hardship on the operation of the employer's business.
- Accommodations can include: temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting. Accommodations that do not require a doctor's note, and which an employer cannot claim are an undue hardship are: more frequent restroom, food, and water breaks; seating; and limits on lifting over 20 pounds.
- Employers of any size must provide reasonable unpaid break time to an employee who needs to express breast milk for her infant child, unless the break time would unduly disrupt the business operations of the employer and must make reasonable efforts to provide a non-bathroom space that is shielded from view and free from intrusion that includes access to an electrical outlet.¹⁵



Nebraska (2015): Unanimous, Bipartisan Passage

- Employers with **fifteen or more employees** must provide reasonable accommodations to workers who are pregnant, have given birth, or who have a related medical condition unless the accommodations would impose an undue hardship on the employer.
- Accommodations can include: seating, breaks, light-duty assignments, and an appropriate place to express breast milk.¹⁶



Nevada (2017): Bipartisan Passage

- Employers with **fifteen or more employees** cannot refuse to provide reasonable accommodations to employees or applicants who request an accommodation for a condition related to pregnancy, childbirth, or a related medical condition, unless

providing such accommodation would cause an undue hardship on the employer.

- Reasonable accommodations may include, but are not limited to, modifying seating or equipment, revising break schedules, providing light duty, restructuring a position or modifying a work schedule, or temporarily transferring an employee to a less strenuous or hazardous position.
- Employers can require an employee to provide a statement from the employee's physician explaining the need for a specifically recommended accommodation.¹⁷



New Jersey (2014): Bipartisan Passage

- **All workers** affected by pregnancy, which includes childbirth and medical conditions related to pregnancy and childbirth, must receive reasonable accommodations unless the accommodations would impose an undue hardship on the employer.
- Accommodations include, but are not limited to: bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.
- The employee must request the accommodation based on the advice of her physician.¹⁸



New Mexico (2020): Unanimous, Bipartisan Passage

- Employers with **four or more employees** must make reasonable accommodations for employees and applicants with a need arising from pregnancy, childbirth, or a related condition, unless the accommodations would impose an undue hardship on the employer.
- Reasonable accommodation means modification or adaptation of the work environment, work schedule, work rules, or job responsibilities, and reached through good faith efforts to explore less restrictive or less expensive alternatives to enable an employee to perform the essential functions of the job and that does not impose an undue hardship on the employer.
- Employees cannot be required to take leave if another reasonable accommodation can be provided.¹⁹



New York (2016): Unanimous, Bipartisan Passage

- **All employers** must make reasonable accommodations for workers with pregnancy-related conditions (including lactation), unless the accommodations would pose an undue hardship on the employer.
- Reasonable accommodations include: provision of an accessible worksite, acquisition or modification of equipment, job restructuring, and modified work schedules.
- An employer can request a health care provider's note in order to verify the existence of the pregnancy-related condition, or to have information that is necessary for an accommodation.
- Employees have a right to have this information kept private.²⁰



North Carolina (2018)

- **All state agency employees** have a legal right to workplace adjustments for pregnancy, childbirth, or related medical conditions (including lactation) in order to perform the essential functions of their job unless it would cause an undue hardship on the employer.
- Workplace adjustments may include, but are not limited to, a change in workstation and seating equipment, and/or relocation of workplace materials and equipment to make them more accessible, more frequent and/or longer breaks, periodic rest, assistance with manual labor, modified work schedules, including the option to work from home, modified work assignment, adjustment of uniforms or dress codes, provision of properly sized safety gear, temporary transfer, reasonable break time and access to appropriate, non-bathroom lactation accommodations for rest and/or to express breast milk, access to food and drink and permitting meals and beverages at workstation, changes in lighting and noise levels, and closer parking and/or access to mobile assistance devices.
- State agencies may require employees to obtain documentation from a healthcare provider certifying the need for workplace adjustments.
- State agencies must provide written notice of rights and take any additional steps to prevent discrimination, retaliation, and harassment.²¹



North Dakota (2015): Bipartisan Passage

- **All employers** must make reasonable accommodations for a pregnant worker who is otherwise qualified for the job, unless the accommodations would disrupt or interfere with the

employer's normal business operations; threaten an individual's health or safety; contradict a business necessity of the employer; or impose an undue hardship on the employer.²²



Oregon (2020): Bipartisan Passage

- Employers with **six or more employees** must make reasonable accommodations for any job applicant or employee with known limitations related to pregnancy, childbirth, or a related medical condition, including lactation, unless the accommodation would impose an undue hardship on the employer's business. An employee cannot be required to take leave if an accommodation can be provided.
- Reasonable accommodations may include, but need not be limited to: acquisition or modification of equipment or devices; more frequent or longer break periods or periodic rest; assistance with manual labor; or modification of work schedules or job assignments.
- Employers must post a written notice of these rights in a conspicuous and accessible location. Employers must also provide written notice to new employees at the time of hire, existing employees within 180 days of the law's effective date, and pregnant employees within 10 days after being informed of the pregnancy.²³



Rhode Island (2015): Unanimous, Bipartisan Passage

- Employers with **four or more employees** must provide reasonable accommodations to workers for needs related to pregnancy, childbirth, and related medical conditions (including the need to express breast milk) if she requests them, unless the accommodations would impose an undue hardship on the business.
- Reasonable accommodations include breaks, seating, and a non-bathroom location to express breast milk.
- Employers must post notice of these rights in a conspicuous location.²⁴



South Carolina (2018): Bipartisan Passage

- Employers with **fifteen or more employees** cannot deny reasonable accommodations to employees with medical needs arising from pregnancy, childbirth or related medical conditions, including lactation, unless it would impose an undue hardship on the operation of the employer.

- Reasonable accommodations may include, but are not limited to more frequent bathroom breaks; providing a private place, other than a bathroom stall for the purpose of expressing milk; modifying food or drink policy; providing seating or allowing the employee to sit more frequently if the job requires the employee to stand; providing assistance with manual labor and limits on lifting; temporarily transferring the employee to a less strenuous or hazardous vacant position, if qualified; providing job restructuring or light duty, if available; and acquiring or modifying equipment or devices necessary for performing essential job functions; and modifying work schedules.
- Employers must distribute written notice of these rights to all employees.²⁵



Tennessee (2020): Unanimous Passage

- Employers with *fifteen or more employees* must make reasonable accommodations for any employee with medical needs arising from pregnancy, childbirth, or related medical conditions who requests an accommodation, unless the accommodation would impose an undue hardship on the employer's business. An employee cannot be required to take leave if another accommodation can be provided.
- Reasonable accommodations may include making existing facilities readily accessible and usable; providing more frequent, longer, or flexible breaks; providing a private place, other than a bathroom stall, for the purpose of expressing milk; modifying food or drink policy; providing modified seating or allowing the employee to sit more frequently if the job requires standing; providing assistance with manual labor and limits on lifting; authorizing a temporary transfer to a vacant position; providing job restructuring or light duty, if available; acquiring or modifying of equipment, devices, or an employee's work station; modifying work schedules; and allowing flexible scheduling for prenatal visits.
- An employer may, if required of other employees with medical conditions, request that an employee provide medical certification from a healthcare professional if the employee is requesting a reasonable accommodation related to temporary transfer to a vacant position, job restructuring, or light duty, or an accommodation that requires time away from work. While an employee seeks medical certification, an employer must begin engaging in a good faith interactive process to determine if a reasonable accommodation can be provided.²⁶



Texas (2001)

- Municipal and county employers must make a reasonable effort to accommodate a pregnant employee whose physician determines her to be partially physically restricted by a pregnancy.
- Pregnant municipal and county government employees whose doctors determine that they cannot perform the duties of their position because of their pregnancy can receive an alternative temporary work assignment if an alternative assignment is available.²⁷



Utah (2016): Bipartisan Passage

- Employers with **fifteen or more employees** must provide reasonable accommodations for needs related to pregnancy, childbirth, or related medical conditions, including breastfeeding, if requested by the worker, unless the accommodations would impose an undue hardship on the business.
- Employers can require a doctor's note from the worker but cannot require a doctor's note for requests for more frequent restroom, food, and water breaks.
- Employers must post notice of these rights in a conspicuous location or include them in the employee handbook.²⁸



Vermont (2018): Bipartisan Passage

- **All employers** must provide reasonable accommodations to workers with pregnancy-related conditions, unless the accommodation imposes an undue hardship on the business. A worker's pregnancy-related condition does not need to rise to the level of a disability in order for the employer to accommodate them.²⁹



Virginia (2020): Bipartisan Passage

- Employers with **five or more employees** must provide reasonable accommodations to the known limitations of a person related to pregnancy, childbirth, or related medical conditions, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer.
- Reasonable accommodations can include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location

other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

- Employees cannot be required to take leave if another reasonable accommodation can be provided.
- Employers must post notice of these rights in a conspicuous location and include them in the employee handbook.³⁰



Washington (2017): Unanimous, Bipartisan Passage

- Employers with **fifteen or more employees** must provide reasonable accommodations to pregnant workers, unless the accommodation would impose an undue hardship on the business.
- Reasonable accommodations include, but are not limited to, frequent, longer, or flexible bathroom breaks, modification to a no food or drink policy, job restructuring, part-time, or modified work schedules, providing seating or allowing the employee to sit more frequently, temporary transfer to a less strenuous or hazardous position, providing assistance with manual labor or lifting, and scheduling flexibility for prenatal visits.
- An employer can request that you provide written certification from a healthcare professional regarding the need for accommodation. However, an employer cannot request such certification if a worker is requesting more frequent breaks, modification to a no food or drink policy, job restructuring or a modified work schedule, or limits on lifting over 17 pounds.³¹



West Virginia (2014): Bipartisan Passage

- Employers with **twelve or more employees** must provide reasonable accommodations to workers with limitations related to pregnancy, childbirth, or related medical conditions with written documentation from their health care provider that specifies their limitations and suggests what accommodations would address those limitations unless the accommodations impose an undue hardship on the business.³²

Cities

New York City (2014): Unanimous, Bipartisan Passage

- Employers with **four or more employees** must provide reasonable accommodations to the needs of an employee for pregnancy, childbirth, and related medical conditions, provided it would not cause an undue hardship.
- Employers must provide written notice of these rights.³³

Philadelphia (2014)

- **All employers** must provide reasonable accommodations to employees, if requested, for needs related to pregnancy, childbirth, or a related medical condition, so long as the accommodations will not cause an undue hardship to the employer.
- Reasonable accommodations include restroom breaks, periodic rest for those who stand for long periods of time, assistance with manual labor, leave for a period of disability arising from childbirth, reassignment to a vacant position, and job restructuring.
- Employers must provide written notice of these rights.³⁴

Providence (2014): Unanimous, Bipartisan Passage

- Employers with **seven or more employees** must provide reasonable accommodations for conditions

related to pregnancy, childbirth, and related medical conditions, unless it would pose an undue hardship.

- Reasonable accommodations include seating, acquisition or modification of equipment, more frequent or longer breaks, temporary transfer to less strenuous or hazardous work, assistance with manual labor, job restructuring, light duty, modified work schedules, time off to recover from childbirth, break time and a private, non-bathroom space for expressing breast milk.
- Employers must provide written notice of these rights.³⁵

Central Falls, RI (2014)

- Employers cannot refuse to reasonably accommodate a condition related to pregnancy, childbirth, or a related medical condition, which includes lactation. Reasonable accommodations include seating, acquisition or modification of equipment, more frequent or longer breaks, temporary transfer to less strenuous or hazardous work, assistance with manual labor, job restructuring, light duty, modified work schedules, time off to recover from childbirth, break time and a private, non-bathroom space for expressing breast milk. A worker cannot be forced to take leave if an accommodation can be provided. Written notice must be provided.³⁶

¹ Alaska Stat. § 39.20.520 (1992).

² Cal Gov't Code §§ 12945(a)(3)–(4) (2000).

³ Colo. Rev. Stat. §§ 24-34-401, 24-34-402.3 (2016).

⁴ Conn. Gen. Stat. §§ 46a-60(a)(1)–(3), 46a-60(b)(7) (2017).

⁵ Del. Code Ann. tit. 19 §§ 710, 711(a)(3), 716 (2014).

⁶ D.C. Code Ann. § 32-1231.01–1231.15 (2015).

⁷ Telephone Conversation with Marcus Kawatachi, Deputy Executive Director, Hawaii Civil Rights Commission (Jan. 22, 2014).

⁸ Haw. Code R. §§ 12-46-106–108 (1990) (upheld in *Sam Teague, Ltd. v. Hawaii Civil Rights Comm'n*, 971 P.2d 1104 (Haw. 1999)).

⁹ 775 Ill Comp. Stat. 5/2-102 (J)–(K) (2015).

¹⁰ S.B. 18, 2019 Gen. Assemb., Reg. Sess. (Ky. 2019).

¹¹ La. Rev. Stat. Ann. § 23:342 (1997).

¹² L.D. 666, 129th Leg., Reg. Sess. (Me. 2019).

¹³ Md. Code Ann. State Gov't § 20-609.

¹⁴ Mass. Gen. Laws ch. 151B, § 4(1E) (2018).

¹⁵ Minn. Stat. §§ 181.939, 181.9414 (2014).

¹⁶ Neb. Rev. Stat. §§ 48-1102(11), 48-1107.02(2) (2015).

¹⁷ Nev. Rev. Stat. Ann. §§ 613.4353–4383 (2017).

¹⁸ N.J. Stat. § 10:5-12(s) (2014).

¹⁹ H.B. 25, 54th Leg., Second Sess. (N.M. 2020).

²⁰ N.Y. Exec. Law §§ 292, 296 (2016).

²¹ N.C. Exec. Order No. 82 (2018).

²² N.D. Cent. Code §§ 14-02.4-02–03 (2015).

²³ H.B. 2341, 80th Legis. Assemb., Reg. Sess. (Or. 2019).

²⁴ R.I. Gen. Laws § 28-5-7.4 (2015).

²⁵ S.C. Code Ann. §§ 1-13-30(L), (T), 1-13-80 (2018).

²⁶ S.B. 2520, 111th Gen. Assemb., Reg. Sess. (Tn. 2020)

²⁷ Tex. Loc. Gov't Code §180.004 (2001).

²⁸ Utah Code §§ 34A-5-102, 106, 34-49-202 (2016).

²⁹ 21 V.S.A. § 495k (2017).

³⁰ H.B. 827, 2020 Gen. Assemb., Reg. Sess. (Va. 2020).

³¹ Wash. Rev. Code Ann. § 43.10.005 (2017).

³² W. Va. Code § 5-11B-2 (2014).

³³ N.Y. Admin. Code 8-107(22) (2014).

³⁴ Phila. Code § 9-1128 (2014).

³⁵ Providence, R.I., Code § 16-57 (2014).

³⁶ Central Falls, R.I. Code § 12-5 (2014).