

Senate File 435 - Introduced

SENATE FILE 435

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A BILL FOR

1 An Act requiring employers to provide reasonable accommodations
2 to employees based on pregnancy or childbirth and providing
3 civil penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216.23 Reasonable accommodations to
2 employees — pregnancy or childbirth.

3 1. An employer shall provide reasonable accommodations
4 to an employee based on medical conditions related to the
5 employee's pregnancy or childbirth if the employee so requests
6 with the advice of the employee's health care provider.

7 2. For purposes of this section, "*reasonable accommodations*"
8 means actions which would permit an employee with a medical
9 condition relating to the employee's pregnancy or childbirth to
10 perform in a reasonable manner the activities involved in the
11 employee's specific occupation and include but are not limited
12 to the provision of an accessible worksite, acquisition or
13 modification of equipment, job restructuring, and a modified
14 work schedule. "*Reasonable accommodations*" does not mean any
15 action that would impose an undue hardship on the business of
16 the employer from whom the action is requested.

17 Sec. 2. NEW SECTION. 216.24 Penalties.

18 An employer who violates section 216.23 is subject to a civil
19 penalty of up to seven hundred fifty dollars.

20 Sec. 3. NEW SECTION. 216.25 Duties and authority of the
21 director.

22 1. The director shall adopt rules to implement and enforce
23 section 216.23 and shall provide exemptions from the provisions
24 of section 216.23 where reasonable.

25 2. In order to carry out the purposes of section 216.23,
26 the director or the director's representative, upon presenting
27 appropriate credentials to the owner, operator, or agent in
28 charge, may:

29 a. Inspect employment records relating to the total number
30 of employees and pregnant employees or employees recovering
31 from childbirth, and the services provided to pregnant
32 employees or employees recovering from childbirth.

33 b. Interview an employer, owner, operator, agent, or
34 employee, during working hours or at other reasonable times.

35 Sec. 4. NEW SECTION. 216.26 Collective bargaining

1 **agreements.**

2 Compliance with the minimum standards required in section
3 216.23 shall not be subject to or considered in collective
4 bargaining.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill requires employers to provide reasonable
9 accommodations to employees based on pregnancy or childbirth.

10 The bill requires an employer to provide reasonable
11 accommodations to an employee based on medical conditions
12 related to the employee's pregnancy or childbirth if the
13 employee requests reasonable accommodations with the advice of
14 the employee's health care provider.

15 The bill defines "reasonable accommodations" as actions
16 which would permit an employee with a medical condition
17 relating to the employee's pregnancy or childbirth to
18 perform in a reasonable manner the activities involved in
19 the employee's specific occupation and include but are not
20 limited to the provision of an accessible worksite, acquisition
21 or modification of equipment, job restructuring, and a
22 modified work schedule. The bill provides that "reasonable
23 accommodations" does not mean any action that would impose an
24 undue hardship on the business of the employer from whom the
25 action is requested.

26 The bill provides that an employer who violates the bill
27 is subject to a civil penalty of up to \$750. The director of
28 the civil rights commission shall adopt rules to enforce the
29 bill and provide exemptions where reasonable. The director
30 or director's representative upon presenting appropriate
31 credentials to the person in charge may inspect employment
32 records relating to the total number of employees and pregnant
33 employees or employees recovering from childbirth and the
34 services provided to pregnant employees or employees recovering
35 from childbirth, as well as interview an employer, operator,

1 owner, agent, or employee during working hours or at other
2 reasonable times.

3 The bill provides that compliance with minimum standards
4 required by the bill shall not be subject to or considered in
5 collective bargaining.