



State Pregnancy Accommodation Laws (as of August 2017)

Please note that while the information contained herein is up-to-date and accurate to the best of our knowledge, EEAC cannot guarantee that every applicable state or local law or applicable provision of state or local law has been identified and summarized. Accordingly, we recommend that you check the law of the particular state in which you have an interest to ensure compliance.

CALIFORNIA

Each of the following shall be an unlawful employment practice, unless based upon a bona fide occupational qualification:

- (A) For an employer to refuse to provide reasonable accommodation for an employee for a condition related to pregnancy, childbirth, or a related medical condition, if she so requests, with the advice of her health care provider.
- (B) For an employer who has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of temporarily disabled employees to less strenuous or hazardous positions for the duration of the disability to refuse to transfer a pregnant female employee who so requests.
- (C) For an employer to refuse to temporarily transfer a pregnant female employee to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. However, no employer shall be required by this section to create additional employment that the employer would not otherwise have created, nor shall the employer be required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job.

Cal. Gov't Code § 12945(a)(3)

Effective Date: 1995

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

COLORADO

An Employer Shall:

- (1) provide reasonable accommodations to perform the essential functions of the job to an applicant or employee for pregnancy or recovery therefrom upon request unless the accommodation would impose an undue hardship;
- (2) not take adverse action against an employee who requests or uses a reasonable accommodation related to pregnancy, recovery therefrom, or a related condition;
- (3) not deny employment opportunities to an applicant or employee based on the need to make a reasonable accommodation related to pregnancy, recovery therefrom, or a related condition;
- (4) not require an applicant or employee affected by pregnancy, recovery therefrom, or a related condition to accept an accommodation that was not requested or is unnecessary to perform the essential functions of the job;
- (5) not require an employee to take leave if the employer can provide another reasonable accommodation for the employee's pregnancy, recover therefrom, or related condition.

Colo. Rev. Stat. § 24-34-402.3

Effective Date: 2016

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

CONNECTICUT

It shall be a discriminatory practice in violation of this section:

- (E) to fail or refuse to make a reasonable effort to transfer a pregnant employee to any suitable temporary position which may be available in any case in which an employee gives written notice of her pregnancy to her employer and the employer or pregnant employee reasonably believes that continued employment in the position held by the pregnant employee may cause injury to the employee or fetus;
- (F) to fail or refuse to inform the pregnant employee that a transfer pursuant to this section may be appealed; or
- (G) to fail or refuse to inform employees of the employer, by any reasonable means, that they must give written notice of their pregnancy in order to be eligible for transfer to a temporary position.

Conn. Gen. Stat. § 46a-60(a)(7)

Effective Date: 1990

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

DELAWARE

It shall be an unlawful employment practice for an employer to:

- (3) a. For any employment-related purpose, fail or refuse to treat an employee or applicant for employment that the employer knows or should know is affected by pregnancy as well as the employer treats or would treat any other employee or applicant not so affected but similar in the ability or inability to work, without regard to the source of any condition affecting the other employee's or applicant's ability or inability to work;
- b. Fail or refuse to make reasonable accommodations to the known limitations related to the pregnancy of an applicant for employment or employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer;
- c. Deny employment opportunities to a job applicant or employee, if such denial is based on the need of the employer to make reasonable accommodations to the known limitations related to the pregnancy of an employee or applicant for employment;
- d. Require an applicant for employment or employee affected by pregnancy to accept an accommodation that such applicant or employee chooses not to accept, if such applicant or employee does not have a known limitation related to pregnancy or if such accommodation is unnecessary for the applicant or employee to perform the essential duties of her job;
- e. Require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known limitations related to the pregnancy of the employee; or
- f. Take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations related to the pregnancy of the employee.

Del. Code tit. 19, § 711

Effective Date: 2014

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

DISTRICT OF COLUMBIA

An employer shall engage in good faith in a timely and interactive process with an employee requesting or otherwise needing a reasonable accommodation to determine a reasonable accommodation for that employee.

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

An employer shall not:

- (1) Refuse to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding for an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship;
- (2) Take an adverse action against an employee who requests or uses a reasonable accommodation in regard to the employee's conditions or privileges of employment, including failing to reinstate the employee when the need for reasonable accommodations ceases ...;
- (3) Deny employment opportunities to an employee, or a job applicant, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding;
- (4) Require an employee affected by pregnancy, childbirth, related medical conditions, or breastfeeding to accept an accommodation that the employee chooses not to accept ...; or
- (5) Require an employee to take leave if a reasonable accommodation can be provided.

D.C. Code §§ 32-1231.02 and 32-1231.03

Effective Date: 2014

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

HAWAII

An employer shall make every reasonable accommodation to the needs of a female affected by disability due to and resulting from pregnancy, childbirth, or related medical conditions.

Haw. Admin. R. §§ 12-46-106 to 108

Effective Date: 1990

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

ILLINOIS

It is a civil rights violation:

- (1) If after a job applicant or employee, including a part-time, full-time, or probationary employee, requests a reasonable accommodation, for an employer to not make reasonable accommodations for any medical or common condition of a job applicant or employee related to pregnancy or childbirth, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer. The employer may request documentation from the employee's health care provider concerning the need for the requested reasonable accommodation(s) to the same extent documentation is requested for conditions related to disability if the employer's request for documentation is job-related and consistent with business necessity. The employer may require only the medical justification for the requested accommodation(s), a description of the reasonable accommodation(s) medically advisable, the date the reasonable accommodation(s) became medically advisable, and the probable duration of the reasonable accommodations. It is the duty of the individual seeking a reasonable accommodation to submit to the employer any documentation that is requested in accordance with this paragraph. Notwithstanding the provisions of this paragraph, the employer may require documentation by the employee's health care provider to determine compliance with other laws. The employee and employer shall engage in a timely, good faith, and meaningful exchange to determine effective reasonable accommodations.
- (2) For an employer to deny employment opportunities or benefits to or take adverse action against an otherwise qualified job applicant or employee, including a part-time, full-time, or probationary employee, if the denial or adverse action is based on the need of the employer to make reasonable accommodations to the known medical or common conditions related to the pregnancy or childbirth of the applicant or employee.
- (3) For an employer to require a job applicant or employee, including a part-time, full-time, or probationary employee, affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to accept an accommodation when the applicant or employee did not request an accommodation and the applicant or employee chooses not to accept the employer's accommodation.
- (4) For an employer to require an employee, including a part-time, full-time, or probationary employee, to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known medical or common conditions related to the pregnancy or childbirth of an employee. No employer shall fail or refuse to reinstate the employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon her signifying her intent to return or when her need for reasonable accommodation ceases, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer.



State Pregnancy Accommodation Laws (as of August 2017)

LOUISIANA

It shall be an unlawful employment practice unless based upon a bona fide occupational qualification: For any employer to refuse to temporarily transfer a pregnant female employee to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where such transfer can be reasonably accommodated, provided, however, that no employer shall be required to create additional employment which the employer would not otherwise have created, nor shall such employer be required to discharge any employee, transfer any employee with more seniority, or promote any employee not qualified to perform the job.

La. Rev. Stat. § 23:342(4)

Effective Date: 1997

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

MARYLAND

If an employee requests a reasonable accommodation, the employer shall explore with the employee all possible means of providing the reasonable accommodation, including:

- (1) changing the employee's job duties;
- (2) changing the employee's work hours;
- (3) relocating the employee's work area;
- (4) providing mechanical or electrical aids;
- (5) transferring the employee to a less strenuous or less hazardous position; or
- (6) providing leave.

If an employee requests a transfer to a less strenuous or less hazardous position as a reasonable accommodation, the employer shall transfer the employee for a period of time up to the duration of the employee's pregnancy if:

- (1) the employer has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability; or
- (2) the employee's health care provider advises the transfer and the employer can provide the reasonable accommodation by transferring the employee without:
 - (i) creating additional employment that the employer would not otherwise have created;
 - (ii) discharging any employee;
 - (iii) transferring any employee with more seniority than the employee requesting the reasonable accommodation; or (iv) promoting any employee who is not qualified to perform the job.

Md. Code Gov't § 20-609(d)-(e)

Effective Date: 2013

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

MASSACHUSETTS

It shall be an unlawful practice:

(a) For an employer to deny a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation; provided, however, that an employer may deny such an accommodation if the employer can demonstrate that the accommodation would impose an undue hardship on the employer's program, enterprise or business.

It shall also be an unlawful practice under this subsection to:

- (i) take adverse action against an employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases;
- (ii) deny an employment opportunity to an employee if the denial is based on the need of the employer to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child;
- (iii) require an employee affected by pregnancy, or require said employee affected by a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job;
- (iv) require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on the employer's program, enterprise or business;
- (v) refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that reasonable accommodation would not impose an undue hardship, demonstrated by the employer, on the employer's program, enterprise or business.

Upon request for an accommodation, the employee or prospective employee and the employer shall engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation. An employer may require documentation about the need for a reasonable accommodation from an appropriate health care or rehabilitation professional, except for (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting more than 20 pounds; and (iv) private non-bathroom space for expressing breast milk.



State Pregnancy Accommodation Laws (as of August 2017)

MINNESOTA

Accommodation. An employer must provide reasonable accommodation to an employee for health conditions related to pregnancy or childbirth if she so requests, with the advice of her licensed health care provider or certified doula, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the business.

A pregnant employee shall not be required to obtain the advice of her licensed health care provider or certified doula, nor may an employer claim undue hardship for the following accommodations: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. "Reasonable accommodation" may include, but is not limited to, temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting.

Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

An employer shall not require an employee to take a leave or accept an accommodation.

Minn. Stat. § 181.9414

Effective Date: 2014

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

NEBRASKA

- (2) When referring to an individual who is pregnant, who has given birth, or who has a related medical condition, discrimination shall include:
- (a) Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of the applicant or employee because of the pregnancy, childbirth, or related medical conditions of the applicant or employee;
 - (b) Participating in a contractual or other arrangement or relationship that has the effect of subjecting an individual who is pregnant, who has given birth, or who has a related medical condition to discrimination in the application or employment process;
 - (c) Utilizing standards, criteria, or methods of administration that have the effect of discrimination on the basis of pregnancy, childbirth, or related medical conditions;
 - (d) Not making reasonable accommodations to the known physical limitations of an individual who is pregnant, who has given birth, or who has a related medical condition and who is an applicant or employee unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the covered entity;
 - (e) Denying employment opportunities to a job applicant or employee who is pregnant, who has given birth, or who has a related medical condition if the denial is based upon the need of such covered entity to make reasonable accommodation to the physical limitations due to the pregnancy, childbirth, or related medical conditions of the employee or applicant;
 - (f) Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual or a class of individuals who are pregnant, who have given birth, or who have a related medical condition unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity;
 - (g) Conducting a medical examination or making inquiries of a job applicant as to whether the applicant is pregnant, has given birth, or has a related medical condition, except that a covered entity may make preemployment inquiries into the ability of an applicant to perform job-related functions;



State Pregnancy Accommodation Laws (as of August 2017)

NEBRASKA [continued]

- (h) Requiring a medical examination or making inquiries of an employee as to whether the employee is pregnant, has given birth, or has a related medical condition unless the examination or inquiry is shown to be job-related and consistent with business necessity;
- (i) Requiring an employee to take leave under any leave law or policy of the covered entity if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee; and
- (j) Taking adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

Neb. Rev. Stat. § 48-1107.02

Effective Date: 2015

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

NEW JERSEY

It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

s. For an employer to treat, for employment-related purposes, a woman employee that the employer knows, or should know, is affected by pregnancy in a manner less favorable than the treatment of other persons not affected by pregnancy but similar in their ability or inability to work. In addition, an employer of an employee who is a woman affected by pregnancy shall make available to the employee reasonable accommodation in the workplace, such as 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, for needs related to the pregnancy when the employee, based on the advice of her physician, requests the accommodation, unless the employer can demonstrate that providing the accommodation would be an undue hardship on the business operations of the employer. The employer shall not in any way penalize the employee in terms, conditions or privileges of employment for requesting or using the accommodation. Workplace accommodation provided pursuant to this subsection and paid or unpaid leave provided to an employee affected by pregnancy shall not be provided in a manner less favorable than accommodations or leave provided to other employees not affected by pregnancy but similar in their ability or inability to work. This subsection shall not be construed as otherwise increasing or decreasing any employee's rights under law to paid or unpaid leave in connection with pregnancy.

For the purposes of this section "pregnancy" means pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, including recovery from childbirth.

For the purposes of this subsection, in determining whether an accommodation would impose undue hardship on the operation of an employer's business, the factors to be considered include: the overall size of the employer's business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer's operations, including the composition and structure of the employer's workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.

N.J. Stat. § 10:5-12(s)

Effective Date: 2014

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

NEW YORK

(a) It shall be an unlawful discriminatory practice for an employer to refuse to provide reasonable accommodations to the pregnancy-related conditions of an employee, prospective employee or [union] member in connection with a job or occupation sought or held or participation in a training program.

(c) The employee must cooperate in providing medical or other information that is necessary to verify the existence of the pregnancy-related condition, or that is necessary for consideration of the accommodation. The employee has a right to have such medical information kept confidential.

N.Y. Exec. Law § 296(a), (c)

Effective Date: 2015

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

NORTH DAKOTA

2. It is a discriminatory practice for an employer to fail or refuse to make reasonable accommodations for an otherwise qualified individual ... because that individual is pregnant

An employer is not required to provide an accommodation that 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, taking into consideration the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.

N.D. Cent. Code § 14-02.4 to 03.2

Effective Date: 2015

EEAC Memo: N/A



State Pregnancy Accommodation Laws (as of August 2017)

RHODE ISLAND

It shall be an unlawful employment practice for an employer:

- (1) To refuse to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition, including, but not limited to, the need to express breast milk for a nursing child, if she so requests, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business;
- (2) To require an employee to take leave if another reasonable accommodation can be provided to an employee's condition related to the pregnancy, childbirth, or a related medical condition;
- (3) To deny employment opportunities to an employee or prospective employee, if such denial is based on the refusal of the employer to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition.

Nothing in this section shall be construed to require an individual with a need related to pregnancy, childbirth, or a related medical condition to accept an accommodation which such individual chooses not to accept.

R.I. Gen. Laws § 28-5-7.4

Effective Date: 2015

EEAC Memo:



State Pregnancy Accommodation Laws (as of August 2017)

UTAH

An employer may not:

- (i) refuse to provide reasonable accommodations for an employee related to pregnancy, childbirth, breastfeeding, or related conditions:
 - (A) if the employee requests a reasonable accommodation; and
 - (B) unless the employer demonstrates that the accommodation would create an undue hardship on the operations of the employer;
- (ii) require an employee to terminate employment if another reasonable accommodation can be provided for the employee's pregnancy, childbirth, breastfeeding, or related conditions unless the employer demonstrates that the accommodation would create an undue hardship on the operations of the employer; or
- (iii) deny employment opportunities to an employee, if the denial is based on the need of the employer to make reasonable accommodations related to the pregnancy, childbirth, breastfeeding, or related conditions of an employee unless the employer demonstrates that the accommodation would create an undue hardship on the operations of the employer.

An employer may require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation. A certification shall include: (i) the date the reasonable accommodation becomes medically advisable; (ii) the probable duration of the reasonable accommodation; and (iii) an explanatory statement as to the medical advisability of the reasonable accommodation.

An employer may not require an employee to obtain a certification from the employee's health care provider for more frequent restroom, food, or water breaks.

An employer is not required to permit an employee to have the employee's child at the workplace for purposes of accommodating pregnancy, childbirth, breastfeeding, or related conditions.

Utah Code § 34A-5-106

Effective Date: 2003

EEAC Memo:



State Pregnancy Accommodation Laws (as of August 2017)

VERMONT

- (1) It shall be an unlawful employment practice for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless it would impose an undue hardship on the employer.
- (2) An employee with a pregnancy-related condition, regardless of whether the employee is an "individual with a disability" as defined herein, shall have the same rights and be subject to the same standards with respect to the provision of a reasonable accommodation, as a qualified individual with a disability as defined herein.

Nothing in this section shall be construed to diminish the rights, privileges, or remedies of an employee pursuant to federal or State law, a collective bargaining agreement, or an employment contract.

Nothing in this section shall be construed to indicate or deem that a pregnancy-related condition necessarily constitutes a disability.

Vt. Stat. tit. 21, § 495k

Effective Date: 01/01/2018

EEAC Memo:



State Pregnancy Accommodation Laws (as of August 2017)

WASHINGTON

(2) It is an unfair practice for any employer to:

(a) Fail or refuse to make reasonable accommodation for an employee for pregnancy, unless the employer can demonstrate that doing so would impose an undue hardship on the employer's program, enterprise, or business; (b) Take adverse action against an employee who requests, declines, or uses an accommodation under this section that affects the terms, conditions, or privileges of employment; (c) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; (d) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy.

(3) An employer may request that the employee provide written certification from her treating health care professional regarding the need for reasonable accommodation.

(4)(a) This section does not require an employer to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation. (b) This section does not require an employer to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need accommodation.

* * *

(6) The attorney general shall investigate complaints and enforce this section, including by conference and conciliation. In addition to the complaint process with the attorney general, any person believed to be injured by a violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit and reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit legal protections or coverage for pregnancy, childbirth, or a pregnancy-related health condition.



State Pregnancy Accommodation Laws (as of August 2017)

WEST VIRGINIA

It shall be an unlawful employment practice for a covered entity to:

- (1) Not make reasonable accommodations to the known limitations related to the pregnancy, child-birth, or related medical conditions of a job applicant or employee, following delivery by the applicant or employee of written documentation from the applicant's or employee's health care provider that specifies the applicant's or employee's limitations and suggesting what accommodations would address those limitations, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;
- (2) Deny employment opportunities to a job applicant or employee, if such denial is based on the refusal of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of an employee or applicant;
- (3) Require a job applicant or employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation that such applicant or employee chooses not to accept; or
- (4) Require an employee to take leave under any leave law or policy of the covered entity if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of an employee.

W.Va. Code §§ 5-11B-1 *et seq.*

Effective Date: 2014

EEAC Memo: N/A