

HOUSE BILL NO. HB0200

Wyoming pregnant workers fairness act.

Sponsored by: Representative(s) Yin, Duncan, Kirkbride and
Zwonitzer

A BILL

for

1 AN ACT relating to fair employment practices; specifying
2 reasonable accommodations for medical needs arising from
3 pregnancy, childbirth and related conditions as specified;
4 and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 27-9-105(a) by creating a new paragraph
9 (v) and (d) is amended to read:

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11 **27-9-105. Discriminatory and unfair employment**
12 **practices enumerated; limitations.**

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14 (a) It is a discriminatory or unfair employment
15 practice:

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(v) For an employer to refuse to make a reasonable accommodation for any condition of a job applicant or employee related to medical needs arising from pregnancy, childbirth or a related condition if the applicant or employee so requests, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's program, enterprise or business. An employer shall not take adverse action against a job applicant or employee who requests or uses a reasonable accommodation, including:

(A) Denying employment opportunities based on the need for a reasonable accommodation;

(B) Requiring an employee to take leave if another reasonable accommodation can be provided or to accept an accommodation that the applicant or employee chooses not to accept;

(C) Counting an absence related to pregnancy, childbirth or a related condition under no fault attendance policies; or

1 (D) Failing to reinstate the employee to the
2 employee's original job or to an equivalent position with
3 equivalent pay and accumulated seniority, retirement, fringe
4 benefits and other applicable service credits when the
5 employee's need for reasonable accommodations ceases.

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7 (d) As used in this section:

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9 (i) "Qualified disabled person" means a disabled
10 person who is capable of performing a particular job, or who
11 would be capable of performing a particular job with
12 reasonable accommodation to his disability.

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14 (ii) "Reasonable accommodation" includes more
15 frequent or longer breaks, time off to recover from
16 childbirth, acquisition or modification of equipment,
17 seating, temporary transfer to a less strenuous or hazardous
18 position, job restructuring, light duty, break time and
19 private nonbathroom space for expressing breast milk,
20 assistance with manual labor and modified work schedules;

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1 (iii) "Undue hardship" means an action requiring
2 significant difficulty or expense when considered in light of
3 factors, including:

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5 (A) The nature and cost of the accommodation;

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7 (B) The overall financial resources of the
8 employer;

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10 (C) The overall size of the business of the
11 employer with respect to the number of employees, and the
12 number, type and location of its facilities;

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14 (D) The effect on expenses and resources or
15 the impact otherwise of the accommodation upon the operation
16 of the employer.

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18 **Section 2.** This act shall not be construed to preempt,
19 limit, diminish or otherwise affect any other provision of
20 law relating to sex discrimination or pregnancy or in any way
21 to diminish protections or coverage for pregnancy, childbirth
22 or a condition related to pregnancy or childbirth under any
23 other provision of law.

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2 **Section 3.** This act is effective July 1, 2019.

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(END)