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AMENDMENT TO H.R. 3541
OFFERED BY MR. NADLER OF NEW YORK

At the end of the bill, add the following:

1 **SEC. 5. STUDY OF DISCRIMINATORY EMPLOYMENT PRAC-**
2 **TICES TOWARD PREGNANT WORKERS.**

3 (a) IN GENERAL.—The Attorney General, in con-
4 sultation with the Department of Labor and the Equal
5 Employment Opportunity Commission, shall make a re-
6 port to the Committees on the Judiciary of the House of
7 Representatives and Senate on nondiscrimination on the
8 basis of pregnancy, childbirth, or related medical condi-
9 tion, including lactation, with regard to the accessibility
10 and availability of reasonable workplace accommodations.

11 (b) CONTENTS OF REPORT.—The report required in
12 subsection (a) shall include the following:

13 (1) An explanation of the obligation under Fed-
14 eral law for an employer to ensure nondiscrimination
15 on the basis of pregnancy, childbirth, or related
16 medical condition with regard to the accessibility
17 and availability of reasonable workplace accommoda-
18 tion. This explanation shall—

1 (A) identify the specific sources of that ob-
2 ligation (e.g., the specific statutes, regulations,
3 agency guidance, or executive orders);

4 (B) define the extent of the obligation; and

5 (C) provide examples of the types of ac-
6 commodations that would be required or have
7 been provided as a result of this Federal accom-
8 modation obligation.

9 (2) A survey of Federal cases and complaints
10 filed by women seeking reasonable accommodations
11 related to pregnancy, childbirth, or related medical
12 conditions, including cases in which relief was
13 ~~deemed~~ ^{denied} due to the lack of a comparator.

14 (3) A survey of any reported instances where an
15 employee has alleged that she was required by an
16 employer to take leave under the Family Medical
17 Leave Act or other leave law or policy in response
18 to her request for a reasonable accommodation that
19 she believes would have allowed her to continue
20 working.

21 (4) Recommendations regarding—

22 (A) changes needed to existing law to clar-
23 ify that employers covered by title VII of the
24 Civil Rights Act of 1964 and the Americans
25 with Disabilities Act of 1990 have an obligation

1 to provide a reasonable accommodation for con-
2 ditions related to pregnancy, childbirth, or re-
3 lated medical conditions; and

4 (B) an exemplary list of reasonable accom-
5 modations that might be needed and should be
6 provided to ensure that such an employee will
7 not suffer adverse employment action based on
8 pregnancy, childbirth, or related medical condi-
9 tions.

10 (c) EFFECTIVE DATE.—This Act shall not take effect
11 until the Attorney General submits the report required in
12 subsection (a) to Congress.



