



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1 Page 9, between lines 33 and 34, begin a new paragraph and insert:
2 "SECTION 9. IC 22-9-12-2.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. As used in this chapter,**
5 **"reasonable accommodation" includes:**
6 **(1) making existing facilities used by employees readily**
7 **accessible and usable;**
8 **(2) providing more frequent, longer, or flexible breaks;**
9 **(3) providing a private place, other than a restroom, for the**
10 **purpose of expressing breast milk;**
11 **(4) providing time off to recover from childbirth;**
12 **(5) modifying food or drink policy;**
13 **(6) providing modified seating or allowing the employee to sit**
14 **more frequently if the job requires standing;**
15 **(7) providing assistance with manual labor or lifting;**
16 **(8) authorizing a temporary transfer to a vacant position;**
17 **(9) providing job restructuring or light duty;**
18 **(10) acquiring or modifying of equipment, devices, or an**
19 **employee's work station;**
20 **(11) modifying work schedules; and**
21 **(12) allowing flexible schedules for prenatal and postnatal**
22 **appointments.**
23 SECTION 10. IC 22-9-12-2.7 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. As used in this chapter,**
26 **"undue hardship" means an action requiring significant difficulty**
27 **or expense.**
28 SECTION 11. IC 22-9-12-3, AS ADDED BY P.L.87-2021,

1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 3. (a) An employee may request ~~in writing, an~~
3 **a reasonable accommodation relating to for a known limitation**
4 **related to** the employee's pregnancy from her employer.

5 (b) An employer must respond to an employee's request under
6 subsection (a) within a reasonable time, **and an employer must grant**
7 **the employee's request absent undue hardship on the employer's**
8 **business.**

9 (c) ~~Notwithstanding subsection (b), a request for an accommodation~~
10 ~~under subsection (a) does not:~~

11 (1) ~~require an employer to provide an accommodation for an~~
12 ~~employee's pregnancy; or~~

13 (2) ~~impose a duty or obligation upon the employer to provide an~~
14 ~~accommodation or an exception to the employer's policies;~~
15 ~~unless existing federal or state laws require that an accommodation~~
16 ~~must be made.~~

17 SECTION 12. IC 22-9-12-4, AS ADDED BY P.L.87-2021,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 4. (a) An employer may not:

20 (1) discipline;

21 (2) terminate; or

22 (3) retaliate against;

23 an employee because the employee has requested or used an **in the**
24 **terms, conditions, or privileges of employment for requesting or**
25 **using a reasonable accommodation for the employee's known**
26 **limitations related to pregnancy, childbirth, or related medical**
27 **conditions, including counting an absence related to pregnancy**
28 **under no fault attendance policies.**

29 (b) An employer may not require an employee to take leave
30 under a leave law or policy adopted by the employer if another
31 reasonable accommodation can be provided for known limitations
32 arising from pregnancy, childbirth, or related medical conditions.

33 (b) The following actions may not be considered to be disciplinary
34 or retaliatory under subsection (a):

35 (1) An employer's attempt to accommodate an employee's request
36 for accommodation under section 3(a) of this chapter.

37 (2) An employer's decision not to accommodate an employee's
38 request for accommodation under section 3(a) of this chapter.

39 SECTION 13. IC 22-9-12-4.5 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) An employer shall
42 provided written notice to:

43 (1) a new employee at the commencement of employment; and

44 (2) an existing employee before December 1, 2022;

45 that the employee has a right to be free from discrimination based
46 on the employee's pregnancy, childbirth, or related medical

1 conditions and that the employer must make reasonable
2 accommodations for the employee's pregnancy, childbirth, or
3 related medical conditions unless doing so would impose an undue
4 hardship on the employer.

5 (b) Any person adversely affected by an act in violation of this
6 chapter may bring a civil action. A court may award any or all of
7 the following to an individual who prevails in an action under this
8 subsection regardless of whether the person has exhausted any
9 available administrative remedies:

- 10 (1) Back pay.
- 11 (2) Compensatory and punitive damages.
- 12 (3) Prejudgment interest.
- 13 (4) Reasonable attorney's fees.
- 14 (5) Any legal or equitable relief that will effectuate the
15 purpose of this chapter."

16 Renumber all SECTIONS consecutively.
(Reference is to EHB 1001(ss) as printed August 3, 2022.)

Senator POL JR.