

114TH CONGRESS
1ST SESSION

H. R. 2654

To eliminate discrimination and promote women’s health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Mr. NADLER (for himself, Mr. SCOTT of Virginia, Mrs. CAROLYN B. MALONEY of New York, Ms. SPEIER, Mrs. DAVIS of California, Ms. FUDGE, Mr. BERA, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. CÁRDENAS, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DESAULNIER, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. ESTY, Mr. FARR, Ms. FRANKEL of Florida, Mr. GARAMENDI, Mr. GRAYSON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HAHN, Mr. HASTINGS, Mr. HIGGINS, Mr. HIMES, Mr. HONDA, Mr. HUFFMAN, Mr. ISRAEL, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Mr. KENNEDY, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mrs. LAWRENCE, Ms. LEE, Mr. LEVIN, Mr. LEWIS, Mr. LIPINSKI, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNERNEY, Ms. MENG, Ms. MOORE, Mrs. NAPOLITANO, Mr. NOLAN, Ms. NORTON, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RANGEL, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SINEMA, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. TAKANO, Mr. THOMPSON of California, Mr. TONKO, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House

Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To eliminate discrimination and promote women’s health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pregnant Workers
5 Fairness Act”.

6 **SEC. 2. NONDISCRIMINATION WITH REGARD TO REASON-**
7 **ABLE ACCOMMODATIONS RELATED TO PREG-**
8 **NANCY.**

9 It shall be an unlawful employment practice for a cov-
10 ered entity to—

11 (1) not make reasonable accommodations to the
12 known limitations related to the pregnancy, child-
13 birth, or related medical conditions of a job appli-
14 cant or employee, unless such covered entity can
15 demonstrate that the accommodation would impose

1 an undue hardship on the operation of the business
2 of such covered entity;

3 (2) require a job applicant or employee affected
4 by pregnancy, childbirth, or related medical condi-
5 tions to accept an accommodation that such appli-
6 cant or employee chooses not to accept, if such ac-
7 commodation is unnecessary to enable the applicant
8 or employee to perform her job;

9 (3) deny employment opportunities to a job ap-
10 plicant or employee, if such denial is based on the
11 need of the covered entity to make reasonable ac-
12 commodations to the known limitations related to
13 the pregnancy, childbirth, or related medical condi-
14 tions of an employee or applicant;

15 (4) require an employee to take leave, whether
16 paid or unpaid, if another reasonable accommodation
17 can be provided to the known limitations related to
18 the pregnancy, childbirth, or related medical condi-
19 tions of an employee; or

20 (5) take adverse action in terms, conditions, or
21 privileges of employment against an employee on ac-
22 count of the employee requesting or using a reason-
23 able accommodation to the known limitations related
24 to the pregnancy, childbirth, or related medical con-
25 ditions of the employee.

1 **SEC. 3. REMEDIES AND ENFORCEMENT.**

2 (a) EMPLOYEES COVERED BY TITLE VII OF THE
3 CIVIL RIGHTS ACT OF 1964.—

4 (1) IN GENERAL.—The powers, procedures, and
5 remedies provided in sections 705, 706, 707, 709,
6 710, and 711 of the Civil Rights Act of 1964 (42
7 U.S.C. 2000e–4 et seq.) to the Commission, the At-
8 torney General, or any person, alleging a violation of
9 title VII of that Act (42 U.S.C. 2000e et seq.) shall
10 be the powers, procedures, and remedies this Act
11 provides to the Commission, the Attorney General,
12 or any person, respectively, alleging an unlawful em-
13 ployment practice in violation of this Act against an
14 employee described in section 5(3)(A), except as pro-
15 vided in paragraphs (2) and (3).

16 (2) COSTS AND FEES.—The powers, remedies,
17 and procedures provided in subsections (b) and (c)
18 of section 722 of the Revised Statutes of the United
19 States (42 U.S.C. 1988), shall be the powers, rem-
20 edies, and procedures this Act provides to the Com-
21 mission, the Attorney General, or any person, alleg-
22 ing such a practice.

23 (3) DAMAGES.—The powers, remedies, and pro-
24 cedures provided in section 1977A of the Revised
25 Statutes of the United States (42 U.S.C. 1981a), in-
26 cluding the limitations contained in subsection (b)(3)

1 of such section 1977A, shall be the powers, rem-
2 edies, and procedures this Act provides to the Com-
3 mission, the Attorney General, or any person, alleg-
4 ing such a practice (not an employment practice spe-
5 cifically excluded from coverage under section
6 1977A(a)(1) of the Revised Statutes of the United
7 States).

8 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
9 COUNTABILITY ACT OF 1995.—

10 (1) IN GENERAL.—The powers, remedies, and
11 procedures provided in the Congressional Account-
12 ability Act of 1995 (2 U.S.C. 1301 et seq.) to the
13 Board (as defined in section 101 of that Act (2
14 U.S.C. 1301)), or any person, alleging a violation of
15 section 201(a)(1) of that Act (2 U.S.C. 1311(a)(1))
16 shall be the powers, remedies, and procedures this
17 Act provides to that Board, or any person, alleging
18 an unlawful employment practice in violation of this
19 Act against an employee described in section
20 5(3)(B), except as provided in paragraphs (2) and
21 (3).

22 (2) COSTS AND FEES.—The powers, remedies,
23 and procedures provided in subsections (b) and (c)
24 of section 722 of the Revised Statutes of the United
25 States (42 U.S.C. 1988), shall be the powers, rem-

1 edies, and procedures this Act provides to that
2 Board, or any person, alleging such a practice.

3 (3) DAMAGES.—The powers, remedies, and pro-
4 cedures provided in section 1977A of the Revised
5 Statutes of the United States (42 U.S.C. 1981a), in-
6 cluding the limitations contained in subsection (b)(3)
7 of such section 1977A, shall be the powers, rem-
8 edies, and procedures this Act provides to that
9 Board, or any person, alleging such a practice (not
10 an employment practice specifically excluded from
11 coverage under section 1977A(a)(1) of the Revised
12 Statutes of the United States).

13 (4) OTHER APPLICABLE PROVISIONS.—With re-
14 spect to a claim alleging a practice described in
15 paragraph (1), title III of the Congressional Ac-
16 countability Act of 1995 (2 U.S.C. 1381 et seq.)
17 shall apply in the same manner as such title applies
18 with respect to a claim alleging a violation of section
19 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

20 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
21 3, UNITED STATES CODE.—

22 (1) IN GENERAL.—The powers, remedies, and
23 procedures provided in chapter 5 of title 3, United
24 States Code, to the President, the Commission, the
25 Merit Systems Protection Board, or any person, al-

1 leging a violation of section 411(a)(1) of that title,
2 shall be the powers, remedies, and procedures this
3 Act provides to the President, the Commission, such
4 Board, or any person, respectively, alleging an un-
5 lawful employment practice in violation of this Act
6 against an employee described in section 5(3)(C), ex-
7 cept as provided in paragraphs (2) and (3).

8 (2) COSTS AND FEES.—The powers, remedies,
9 and procedures provided in subsections (b) and (c)
10 of section 722 of the Revised Statutes of the United
11 States (42 U.S.C. 1988) shall be the powers, rem-
12 edies, and procedures this Act provides to the Presi-
13 dent, the Commission, such Board, or any person,
14 alleging such a practice.

15 (3) DAMAGES.—The powers, remedies, and pro-
16 cedures provided in section 1977A of the Revised
17 Statutes of the United States (42 U.S.C. 1981a), in-
18 cluding the limitations contained in subsection (b)(3)
19 of such section 1977A, shall be the powers, rem-
20 edies, and procedures this Act provides to the Presi-
21 dent, the Commission, such Board, or any person,
22 alleging such a practice (not an employment practice
23 specifically excluded from coverage under section
24 1977A(a)(1) of the Revised Statutes of the United
25 States).

1 (d) EMPLOYEES COVERED BY GOVERNMENT EM-
2 PLOYEE RIGHTS ACT OF 1991.—

3 (1) IN GENERAL.—The powers, remedies, and
4 procedures provided in sections 302 and 304 of the
5 Government Employee Rights Act of 1991 (42
6 U.S.C. 2000e–16b; 2000e–16c) to the Commission,
7 or any person, alleging a violation of section
8 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1))
9 shall be the powers, remedies, and procedures this
10 Act provides to the Commission, or any person, re-
11 spectively, alleging an unlawful employment practice
12 in violation of this Act against an employee de-
13 scribed in section 5(3)(D), except as provided in
14 paragraphs (2) and (3).

15 (2) COSTS AND FEES.—The powers, remedies,
16 and procedures provided in subsections (b) and (c)
17 of section 722 of the Revised Statutes of the United
18 States (42 U.S.C. 1988) shall be the powers, rem-
19 edies, and procedures this Act provides to the Com-
20 mission, or any person, alleging such a practice.

21 (3) DAMAGES.—The powers, remedies, and pro-
22 cedures provided in section 1977A of the Revised
23 Statutes of the United States (42 U.S.C. 1981a), in-
24 cluding the limitations contained in subsection (b)(3)
25 of such section 1977A, shall be the powers, rem-

1 edies, and procedures this Act provides to the Com-
2 mission, or any person, alleging such a practice (not
3 an employment practice specifically excluded from
4 coverage under section 1977A(a)(1) of the Revised
5 Statutes of the United States).

6 (e) EMPLOYEES COVERED BY SECTION 717 OF THE
7 CIVIL RIGHTS ACT OF 1964.—

8 (1) IN GENERAL.—The powers, remedies, and
9 procedures provided in section 717 of the Civil
10 Rights Act of 1964 (42 U.S.C. 2000e–16) to the
11 Commission, the Attorney General, the Librarian of
12 Congress, or any person, alleging a violation of that
13 section shall be the powers, remedies, and proce-
14 dures this Act provides to the Commission, the At-
15 torney General, the Librarian of Congress, or any
16 person, respectively, alleging an unlawful employ-
17 ment practice in violation of this Act against an em-
18 ployee or applicant described in section 5(3)(E), ex-
19 cept as provided in paragraphs (2) and (3).

20 (2) COSTS AND FEES.—The powers, remedies,
21 and procedures provided in subsections (b) and (c)
22 of section 722 of the Revised Statutes of the United
23 States (42 U.S.C. 1988) shall be the powers, rem-
24 edies, and procedures this Act provides to the Com-

1 mission, the Attorney General, the Librarian of Con-
2 gress, or any person, alleging such a practice.

3 (3) DAMAGES.—The powers, remedies, and pro-
4 cedures provided in section 1977A of the Revised
5 Statutes of the United States (42 U.S.C. 1981a), in-
6 cluding the limitations contained in subsection (b)(3)
7 of such section 1977A, shall be the powers, rem-
8 edies, and procedures this Act provides to the Com-
9 mission, the Attorney General, the Librarian of Con-
10 gress, or any person, alleging such a practice (not an
11 employment practice specifically excluded from cov-
12 erage under section 1977A(a)(1) of the Revised
13 Statutes of the United States).

14 (f) PROHIBITION AGAINST RETALIATION.—

15 (1) IN GENERAL.—No person shall discriminate
16 against any individual because such individual has
17 opposed any act or practice made unlawful by this
18 Act or because such individual made a charge, testi-
19 fied, assisted, or participated in any manner in an
20 investigation, proceeding, or hearing under this Act.

21 (2) PROHIBITION AGAINST COERCION.—It shall
22 be unlawful to coerce, intimidate, threaten, or inter-
23 fere with any individual in the exercise or enjoyment
24 of, or on account of such individual having exercised
25 or enjoyed, or on account of such individual having

1 aided or encouraged any other individual in the exer-
2 cise or enjoyment of, any right granted or protected
3 by this Act.

4 (3) REMEDY.—The remedies and procedures
5 otherwise provided for under this section shall be
6 available to aggrieved individuals with respect to vio-
7 lations of this subsection.

8 **SEC. 4. RULEMAKING.**

9 Not later than 2 years after the date of enactment
10 of this Act, the Commission shall issue regulations in an
11 accessible format in accordance with subchapter II of
12 chapter 5 of title 5, United States Code, to carry out this
13 Act. Such regulations shall provide examples of reasonable
14 accommodations addressing known limitations related to
15 pregnancy, childbirth, or related medical conditions that
16 shall be provided to a job applicant or employee affected
17 by such known limitations unless the covered entity can
18 demonstrate that doing so would impose an undue hard-
19 ship.

20 **SEC. 5. DEFINITIONS.**

21 As used in this Act—

22 (1) the term “Commission” means the Equal
23 Employment Opportunity Commission;

24 (2) the term “covered entity”—

1 (A) has the meaning given the term “re-
2 spondent” in section 701(n) of the Civil Rights
3 Act of 1964 (42 U.S.C. 2000e(n)); and

4 (B) includes—

5 (i) an employing office, as defined in
6 section 101 of the Congressional Account-
7 ability Act of 1995 (2 U.S.C. 1301) and
8 section 411(c) of title 3, United States
9 Code;

10 (ii) an entity employing a State em-
11 ployee described in section 304(a) of the
12 Government Employee Rights Act of 1991
13 (42 U.S.C. 2000e–16c(a)); and

14 (iii) an entity to which section 717(a)
15 of the Civil Rights Act of 1964 (42 U.S.C.
16 2000e–16(a)) applies;

17 (3) the term “employee” means—

18 (A) an employee (including an applicant),
19 as defined in section 701(f) of the Civil Rights
20 Act of 1964 (42 U.S.C. 2000e(f));

21 (B) a covered employee (including an ap-
22 plicant), as defined in section 101 of the Con-
23 gressional Accountability Act of 1995 (2 U.S.C.
24 1301);

1 (C) a covered employee (including an appli-
2 cant), as defined in section 411(c) of title 3,
3 United States Code;

4 (D) a State employee (including an appli-
5 cant) described in section 304(a) of the Govern-
6 ment Employee Rights Act of 1991 (42 U.S.C.
7 2000e–16c(a)); or

8 (E) an employee (including an applicant)
9 to which section 717(a) of the Civil Rights Act
10 of 1964 (42 U.S.C. 2000e–16(a)) applies;

11 (4) the term “person” has the meaning given
12 such term in section 701(a) of the Civil Rights Act
13 of 1964 (42 U.S.C. 2000e(a)); and

14 (5) the terms “reasonable accommodation” and
15 “undue hardship” have the meanings given such
16 terms in section 101 of the Americans with Disabil-
17 ities Act of 1990 (42 U.S.C. 12111) and shall be
18 construed as such terms have been construed under
19 such Act and as set forth in the regulations required
20 by this Act, including with regard to the interactive
21 process that will typically be used to determine an
22 appropriate reasonable accommodation.

23 **SEC. 6. WAIVER OF STATE IMMUNITY.**

24 A State shall not be immune under the 11th Amend-
25 ment to the Constitution of the United States from an

1 action in a Federal or State court of competent jurisdic-
2 tion for a violation of this Act. In any action against a
3 State for a violation of the requirements of this Act, rem-
4 edies (including remedies both at law and in equity) are
5 available for such a violation to the same extent as such
6 remedies are available for such a violation in an action
7 against any public or private entity other than a State.

8 **SEC. 7. RELATIONSHIP TO OTHER LAWS.**

9 Nothing in this Act shall be construed to invalidate
10 or limit the remedies, rights, and procedures of any Fed-
11 eral law or law of any State or political subdivision of any
12 State or jurisdiction that provides greater or equal protec-
13 tion for workers affected by pregnancy, childbirth, or re-
14 lated medical conditions.

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