

Amendment to SB 488-FN-LOCAL

1 Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4,
2 respectively.

3
4 Amend the introductory paragraph of RSA 354-A:2, XIV-c as inserted by section 1 of the bill by
5 replacing it with the following:

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7 ***XIV-c. "Reasonable accommodation," for the purposes of RSA 354-A:7, VIII shall***
8 ***include, but not be limited to: more frequent or longer breaks, time off to recover from***
9 ***childbirth, acquisition or modification of equipment, seating, temporary transfer to a less***
10 ***strenuous or hazardous position, job restructuring, light duty, necessary break time and***
11 ***private, sanitary, non-bathroom space for expressing breast milk, assistance with manual***
12 ***labor, or modified work schedules; provided that:***

13
14 Amend RSA 354-A:2, XIV-f as inserted by section 1 of the bill by replacing it with the following:

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16 ~~[XIV-d.]~~ ***XIV-f.*** "Undue hardship" means an action requiring significant difficulty or
17 expense, when considered in light of the factors set forth in this paragraph. In determining
18 whether an accommodation would impose an undue hardship on an employer, factors to be
19 considered include:

20 (a) The nature and cost of the accommodation needed under this chapter.

21 (b) The overall financial resources of the facility involved in the provision of the
22 reasonable accommodation; the number of persons employed at such facility; the effect on expenses
23 and resources, or the impact otherwise of such accommodation upon the operation of the facility.

24 (c) The overall financial resources of the employer; the overall size of the business of an
25 employer with respect to the number of its employees; and the number, type, and location of its
26 facilities.

27 (d) The type of operation or operations of the employer, including the composition,
28 structure, and functions of the workforce of such employer; the geographic separateness,
29 administrative, or fiscal relationship of the facility in question to the employer.

30
31 Amend RSA 354-A:7, VIII (c) as inserted by section 3 of the bill by replacing it with the following:

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1 (c)(1) An employer shall provide written notice of the right to be free from
2 discrimination in relation to pregnancy, childbirth, or a related medical condition, including the
3 right to reasonable accommodations for any condition of an employee related to pregnancy,
4 childbirth, or a related medical condition, pursuant to this paragraph to:

5 (A) New employees at the commencement of employment.

6 (B) Existing employees within 120 days after the effective date of this
7 paragraph.

8 (C) Any employee who notifies the employer of her pregnancy within 10 days of
9 such notification.

10 (2) Such notice shall be conspicuously posted at an employer's place of business in
11 an area accessible to employees.

12 (3) The commission may develop courses of instruction and conduct ongoing public
13 education efforts as necessary to inform employers, employees, employment agencies, and job
14 applicants about their rights and responsibilities under this paragraph.

15 (d) Nothing in this paragraph shall be construed to preempt, limit, diminish, or
16 otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any
17 way to diminish the coverage for pregnancy, childbirth, or a condition related to pregnancy or
18 childbirth under any other provision of this chapter, including RSA 354-A:7, VI(b) and (c).