

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.

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## 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. DELAULO, 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. PASCARELL, 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

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## 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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