



Reprinted
February 4, 2020

SENATE BILL No. 342

DIGEST OF SB 342 (Updated February 3, 2020 5:31 pm - DI 132)

Citations Affected: Noncode.

Synopsis: Pregnancy accommodation. Urges the legislative council to assign to an appropriate interim study committee the task of studying pregnancy and childbirth accommodations and the fiscal impact on businesses within Indiana.

Effective: Upon passage.

**Alting, Bohacek, Grooms, Ford J.D.,
Becker, Crider, Ford Jon, Walker,
Donato, Melton, Taylor G, Lanane,
Tallian, Randolph Lonnie M, Stoops,
Breux**

January 13, 2020, read first time and referred to Committee on Family and Children Services.
January 28, 2020, amended, reported favorably — Do Pass.
February 3, 2020, read second time, amended, ordered engrossed.

SB 342—LS 7043/DI 132



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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 342

A BILL FOR AN ACT concerning labor.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The legislative**
2 **council is urged to assign to an appropriate interim study**
3 **committee the task of studying pregnancy and childbirth**
4 **accommodations and the fiscal impact on businesses within**
5 **Indiana.**
6 **(b) This SECTION expires January 1, 2021.**
7 SECTION 2. **An emergency is declared for this act.**

SB 342—LS 7043/DI 132



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 342, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete line 1.

Page 5, line 5, delete "Discrimination" and insert "**Accommodation**".

Page 5, line 17, delete ", but are not".

Page 5, line 18, delete "limited to,".

Page 5, delete line 20.

Page 5, line 21, delete "(3) Time" and insert "**(2) Unpaid time**".

Page 5, line 22, delete "(4)" and insert "**(3)**".

Page 5, line 23, delete "(5)" and insert "**(4)**".

Page 5, line 24, delete "(6)" and insert "**(5)**".

Page 5, line 26, delete "(7)" and insert "**(6)**".

Page 5, line 27, delete "(8)" and insert "**(7)**".

Page 5, line 28, delete "(9)" and insert "**(8)**".

Page 5, line 29, delete "(10)" and insert "**(9)**".

Page 5, line 30, delete "(11)" and insert "**(10)**".

Page 5, line 31, delete "(12)" and insert "**(11)**".

Page 5, between lines 31 and 32, begin a new line block indented and insert:

"(12) An accommodation prescribed by a health provider."

Page 5, delete lines 34 through 39, begin a new paragraph and insert:

"Sec. 8. It is the policy of the state of Indiana to require employers to make reasonable accommodations for an employee due to the pregnancy of the employee.

Sec. 9. An employer must:"

Page 5, line 40, delete "fail to".

Page 6, line 3, after "(2)" insert "**not**".

Page 6, line 5, delete "but not limited to".

Page 6, line 11, after "(3)" insert "**not**".

Page 6, line 16, after "(4)" insert "**not**".

Page 6, line 20, after "(5)" insert "**not**".

Page 6, line 23, delete "fail to".

Page 6, line 28, after "employment;" insert "**and**".



Page 6, line 29, delete "and".

Page 6, delete lines 30 through 32.

Page 6, line 33, delete "be free from discrimination" and insert **"request reasonable accommodations"**.

Page 7, delete lines 3 through 14, begin a new paragraph and insert:

"Sec. 11. If an employee requests a reasonable accommodation from the employer for the employee's pregnancy:

(1) the employer may request that an employee provide proof of pregnancy from the employee's health provider; and

(2) the employee shall provide the employer with the proof of pregnancy requested under subdivision (1).

Sec. 12. (a) Upon receipt of a complaint alleging a violation of this chapter, the commission shall investigate and conduct proceedings in accordance with this chapter.

(b) The commission shall assign an administrative law judge in all pregnancy accommodation complaints and set an initial hearing in front of the administrative law judge not later than fifteen (15) days from receipt of the complaint by the commission for the purpose of determining the appropriateness of temporary relief. The administrative law judge may order appropriate temporary or preliminary relief, including ordering that an employer immediately provide the requested reasonable accommodation, pending final disposition of the complaint.

(c) At the conclusion of the investigation, the commission shall determine if a violation of this chapter exists.

(d) When an employer is found under this section to have failed to accommodate an employee who is pregnant, the commission may order the employer to provide the reasonable accommodation or any other relief provided in IC 22-9-1-6(j).

Sec. 13. (a) Except as provided in subsection (b), IC 4-21.5 governs a hearing under section 12 of this chapter.

(b) A proceeding under section 12 of this chapter may not continue regarding an alleged violation after the filing of a civil action.

(c) IC 22-9-8 governs appeal of a final order issued under section 12 of this chapter."

Page 7, line 15, delete "12." and insert "14."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 342 as introduced.)



GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 342 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning labor.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to SB 342 as printed January 29, 2020.)

ZAY

