

Chapter 233

(House Bill 523)

AN ACT concerning

State Personnel – Employee Accommodations – Pregnancy and Childbirth

FOR the purpose of requiring certain units of State government to provide certain reasonable accommodations for an employee with certain limitations caused or contributed to by pregnancy or childbirth; prohibiting units of State government, under certain circumstances, from requiring an employee to take certain leave or requiring an employee to accept certain accommodations under certain circumstances; providing for the application of this Act; defining a certain term; and generally relating to pregnancy and childbirth and accommodations for State employees.

BY adding to

Article – State Personnel and Pensions
Section 2–311
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

2–311.

(A) IN THIS SECTION, “LIMITATION” INCLUDES:

(1) A TEMPORARY DISABILITY FOR JOB-RELATED PURPOSES CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; AND

(2) A RESTRICTION ON THE ABILITY OF AN EMPLOYEE TO PERFORM JOB FUNCTIONS CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH.

(B) THIS SECTION APPLIES TO ALL UNITS IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ALL UNITS WITH INDEPENDENT PERSONNEL SYSTEMS.

(C) A UNIT OF STATE GOVERNMENT, THROUGH ITS APPROPRIATE OFFICERS AND EMPLOYEES, SHALL PROVIDE REASONABLE ACCOMMODATIONS TO AN EMPLOYEE WITH A LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR

CHILDBIRTH, INCLUDING BY:

- (1) CHANGING THE EMPLOYEE’S JOB DUTIES;**
- (2) CHANGING THE EMPLOYEE’S WORK HOURS;**
- (3) RELOCATING THE EMPLOYEE’S WORK AREA;**
- (4) PROVIDING MECHANICAL OR ELECTRICAL AIDS;**
- (5) TRANSFERRING THE EMPLOYEE TO A LESS STRENUOUS OR LESS HAZARDOUS POSITION; OR**
- (6) PROVIDING LEAVE.**

(D) A UNIT OF STATE GOVERNMENT MAY NOT:

(1) REQUIRE AN EMPLOYEE TO TAKE LEAVE, WHETHER PAID OR UNPAID, IF THE EMPLOYER CAN PROVIDE ANOTHER REASONABLE ACCOMMODATION FOR THE EMPLOYEE’S LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; OR

(2) REQUIRE AN EMPLOYEE TO ACCEPT AN ACCOMMODATION THAT THE EMPLOYEE CHOOSES NOT TO ACCEPT IF:

(I) THE EMPLOYEE DOES NOT HAVE A LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; OR

(II) THE ACCOMMODATION IS NOT NECESSARY FOR THE EMPLOYEE TO PERFORM THE ESSENTIAL DUTIES OF THE EMPLOYEE’S JOB.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.