

HOUSE BILL No. 1024

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-9.

Synopsis: Pregnancy accommodations. Codifies a section of the Pregnant Workers Fairness Act. Repeals superseded provisions.

Effective: July 1, 2024.

Negele, Bauer M

January 8, 2024, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1024

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

- 1 SECTION 1. IC 22-9-12 IS REPEALED [EFFECTIVE JULY 1,
- 2 2024]. (Pregnancy and Childbirth Accommodation).
- 3 SECTION 2. IC 22-9-12.1 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2024]:
- 6 **Chapter 12.1. Reasonable Accommodations Related to**
- 7 **Pregnancy**
- 8 **Sec. 1. As used in this chapter, "covered entity" means:**
- 9 (1) an employer;
- 10 (2) an employment agency;
- 11 (3) a labor organization; or
- 12 (4) a joint labor-management committee controlling an
- 13 apprenticeship or other training or retraining program,
- 14 including an on-the-job training program.
- 15 **Sec. 2. As used in this chapter, "employee" means an:**
- 16 (1) individual who is employed by an employer; or
- 17 (2) applicant for employment with an employer.



1 **Sec. 3. (a) As used in this chapter, "employer" means:**

2 **(1) a person that has at least fifteen (15) employees for each**
 3 **working day in at least twenty (20) calendar weeks in the**
 4 **current or preceding year; and**

5 **(2) an agent of a person described in subdivision (1).**

6 **(b) The term does not include any of the following:**

7 **(1) The United States, a corporation wholly owned by the**
 8 **government of the United States, or an Indian tribe.**

9 **(2) A bona fide private membership club other than a labor**
 10 **organization that is exempt from taxation under Section**
 11 **501(c) of the Internal Revenue Code.**

12 **Sec. 4. As used in this chapter, "employment agency" means:**

13 **(1) a person regularly undertaking, with or without**
 14 **compensation, to procure:**

15 **(A) employees for an employer; or**

16 **(B) for employees opportunities to work for an employer;**
 17 **and**

18 **(2) an agent of a person described in subdivision (1).**

19 **Sec. 5. As used in this chapter, "known limitation" means a**
 20 **physical or mental condition related to, affected by, or arising out**
 21 **of pregnancy, childbirth, or related medical conditions that the**
 22 **employee or employee's representative has communicated to the**
 23 **employer, whether or not the condition meets the definition of a**
 24 **disability under the Americans with Disabilities Act (42 U.S.C.**
 25 **12102).**

26 **Sec. 6. As used in this chapter, "labor organization" means:**

27 **(1) an organization;**

28 **(2) an agency;**

29 **(3) a union; or**

30 **(4) an employee representation committee;**

31 **that exists, in whole or in part, to assist employees in negotiating**
 32 **with employers concerning grievances, labor disputes, wages, rates**
 33 **of pay, hours, or other terms or conditions of employment.**

34 **Sec. 7. As used in this chapter, "person" means an individual,**
 35 **the state, a state agency, a political subdivision, a labor**
 36 **organization, a partnership, an association, a corporation, a legal**
 37 **representative, a mutual company, a joint stock company, a trust,**
 38 **an unincorporated organization, a trustee, a trustee in bankruptcy,**
 39 **or a receiver.**

40 **Sec. 8. (a) Except as provided in subsection (b), as used in this**
 41 **chapter, "qualified employee" means an employee who, with or**
 42 **without a reasonable accommodation, can perform the essential**



1 functions of the employment position.

2 (b) An employee is considered qualified if:

3 (1) any inability to perform an essential function is for a
4 temporary period;

5 (2) the essential function could be performed in the near
6 future; and

7 (3) the inability to perform the essential function can be
8 reasonably accommodated.

9 Sec. 9. As used in this chapter, "reasonable accommodation"
10 has the meaning set forth in the Americans with Disabilities Act (42
11 U.S.C. 12111).

12 Sec. 10. As used in this chapter, "undue hardship" has the
13 meaning set forth in the Americans with Disabilities Act (42 U.S.C.
14 12111).

15 Sec. 11. It shall be an unlawful employment practice for a
16 covered entity to:

17 (1) not make reasonable accommodations to the known
18 limitations related to the pregnancy, childbirth, or related
19 medical conditions of a qualified employee, unless the covered
20 entity can demonstrate that the accommodation would impose
21 an undue hardship on the operation of the business of the
22 covered entity;

23 (2) require a qualified employee affected by pregnancy,
24 childbirth, or related medical conditions to accept an
25 accommodation other than a reasonable accommodation
26 arrived at through an interactive process as set forth in the
27 Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and
28 regulations issued under the Americans with Disabilities Act
29 (42 U.S.C. 12101 et seq.);

30 (3) deny employment opportunities to a qualified employee if
31 the denial is based on the need of the covered entity to make
32 reasonable accommodations to the known limitations related
33 to the pregnancy, childbirth, or related medical conditions of
34 the qualified employee;

35 (4) require a qualified employee to take leave, whether paid or
36 unpaid, if another reasonable accommodation can be
37 provided to the known limitations related to the pregnancy,
38 childbirth, or related medical conditions of the qualified
39 employee; or

40 (5) take adverse action in terms, conditions, or privileges of
41 employment against a qualified employee on account of the
42 employee requesting or using a reasonable accommodation to



1 **the known limitations related to the pregnancy, childbirth, or**
2 **related medical conditions of the employee.**

