

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.

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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:***

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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:

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

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(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.

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(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.

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(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.

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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  
2 be free from  
3 discrimination in relation to pregnancy, childbirth, or a related medical condition,  
4 including the  
5 right to reasonable accommodations for any condition of an employee related to pregnancy,  
6 childbirth, or a related medical condition, pursuant to this paragraph to:  
7 (A) New employees at the commencement of employment.  
8 (B) Existing employees within 120 days after the effective date of this 7 paragraph.  
9 (C) Any employee who notifies the employer of her pregnancy within 10 days of  
10 such notification.  
11 (2) Such notice shall be conspicuously posted at an employer's place of business in  
12 an area accessible to employees.

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

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