

LEAVE AND DISABILITY REGULATORY COMPLIANCE

# Summary of legislative and regulatory changes

*Private employer sector | Second Quarter 2021*

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# Connecticut

## *HB 5158 (lactation accommodation)*

Enacted June 4, 2021

Effective Oct. 1, 2021

Under [Connecticut law](#), employers must make reasonable efforts to provide a room or other location for any employee who wishes to express breast milk or breastfeed on site during a meal or break period. The location must allow the employee to express milk in private near the work area and it cannot be a toilet stall.

This amendment adds that, as long as it does not cause undue hardship on the employer, the location provided for expressing milk must be free from intrusion and shielded from the public. Moreover, the location must include access to an electrical outlet and a refrigerator or employee-provided cold storage device for purposes of storing the milk.

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# Louisiana

## *SB 215 (pregnancy accommodation)*

Enacted June 17, 2021

Effective Aug. 1, 2021

Louisiana amended its [pregnancy accommodation law](#). Currently, the law applies to employers with more than 25 employees and provides that pregnancy, childbirth and related medical conditions are to be treated as any other temporary disability. However, no employer is required to provide disability leave for pregnancy or related condition for a normal pregnancy for more than six weeks or exceeding four months in other cases. Existing law also provides that it is an unlawful employment practice for any employer to refuse to temporarily transfer a pregnant female employee to a less strenuous or hazardous position if the transfer can be reasonably accommodated.

The amendments make it an unlawful employment practice for an employer to fail or refuse to make reasonable accommodations for an applicant or employee with covered limitations, unless the employer can demonstrate that the accommodation would impose an undue hardship. In addition, an employer is not required to make certain provisions for an employee due to pregnancy, childbirth or other related medical condition if the employer would not make the same provisions for other employees similarly situated.

Under the amended law, employers also must provide employees a "reasonable period of time" away from work due to pregnancy or childbirth, which the law defines as six weeks for a normal pregnancy and childbirth or the period of time during which the female employee is disabled on account of the pregnancy, childbirth or related medical conditions, so long as the period does not exceed four months. During this leave, the employee is entitled to utilize any accrued paid leave.

### [Notice requirements](#)

An employer must provide written notice of the right to be free from discrimination based on medical needs arising from pregnancy, childbirth or related medical conditions known to the employer, to new employees at the commencement of employment and to existing employees prior to Dec. 1, 2021. The written notice must also be conspicuously posted at an employer's place of business in an area that is accessible to employees.

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# Minnesota

## *HB 63 (disability accommodation)*

Enacted June 29, 2021

Effective July 1, 2021

Minnesota has amended its [disability law](#) (see Line 88.4) to require that an employer initiate an informal, interactive process with an individual who has requested a disability accommodation. This process should identify the limitations resulting from the disability and any potential reasonable accommodations that could overcome those limitations.

The law goes on to recite examples of accommodations and the factors to establish undue hardship, but the purpose of this modest change in the law is otherwise unclear.

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# Minnesota

## *SB 9 (pregnancy accommodation)*

Enacted June 30, 2021

Effective Jan. 1, 2022

Minnesota has [amended its accommodation laws](#) to require employers to provide reasonable time each day for an employee to express breast milk during the 12 months following the birth of the child. The amendment prohibits an employer from reducing an employee's compensation during that time.

The amendment also requires an employer to provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth upon request, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. An employer may not claim undue hardship for the following accommodations: (1) more frequent restroom, food and water breaks; (2) seating; and (3) limits on lifting over 20 pounds.

The amendment requires the employer to engage in an interactive process with respect to an employee's request for a reasonable accommodation. "Reasonable accommodation" may include but is not limited to temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting. Despite the law's requirements and in line with the federal Americans with Disabilities Act (ADA), an employer cannot be required to create a new or additional position in order to accommodate an employee and cannot be required to discharge an employee, transfer another employee with greater seniority, or promote an employee as an accommodation.

The Information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your Company's attendance and/or leave policies. We recommend you consult with Legal Counsel to determine what changes, if any, should be applied to Company Policy.

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