

Maternity Leave and Benefits – Federal & State Law Reference Chart

Maternity Leave and Benefits

- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
US	<p>Consolidated Appropriations Act of 2023 (H.R. 2617)</p> <p><i>Pregnant Workers Fairness Act</i></p> <p>Effective June 27, 2023, the Pregnant Workers Fairness Act (PWFA) applies to employers nationwide with at least 15 employees and to qualified employees. A qualified employee is an employee or job applicant who can perform the essential functions of the job with or without reasonable accommodation.</p> <p>The PWFA requires covered employers to provide a reasonable accommodation to employees affected by a physical or mental condition due to pregnancy, childbirth, or related medical conditions, unless the employer can show that doing so would impose an undue hardship.</p> <p>In addition to requiring employers to make accommodations, the law also bars employers from:</p> <ul style="list-style-type: none"> • Denying employment opportunities to women based on their need for reasonable accommodations related to pregnancy, childbirth, or related medical conditions; • Forcing a qualified employee to accept an accommodation other than any reasonable accommodation arrived at through an interactive process; • Requiring such employees to take paid or unpaid leave if another reasonable accommodation can be provided; and • Taking adverse employment action against a qualified employee who requests or uses a reasonable accommodation needed for pregnancy, childbirth, or related medical conditions. <p><i>PUMP Act</i></p> <p>The Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) strengthens the Fair Labor Standard Act's existing pregnancy and maternity protections by expanding coverage to all employees instead of just hourly workers. The law requires covered employers to provide a reasonable break time for nursing employees to express breast milk for a nursing child each time the employee has a need to express the milk.</p> <p>The law also requires the employer to provide a place, other than a bathroom, that is shielded from view and free from intrusion by coworkers and the public to be used to express breast milk. These requirements exist during the first year following the birth of a child.</p> <p>An employer isn't required to pay an employee for the nursing break time, unless required by other applicable law or if the employee isn't completely relieved from duty during the nursing break. If the employee continues to perform work while expressing breast milk, the employer must pay for the time and count the break time as hours worked.</p> <p>Although the expanded access requirements under the PUMP Act to provide nursing break time and protected space</p>				

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	<p>for expressing breast milk are effective immediately, the provisions allowing employees to seek legal relief and remedies under the FLSA for violations don't take effect until April 28, 2023.</p> <p>Other Pregnancy and Maternity Protections</p> <p>The Pregnancy Discrimination Act (PDA) protects the pregnant employee from discriminatory actions that are based on her pregnant status. It applies to employers with 15 or more employees. In addition, the Family and Medical Leave Act (FMLA) protects the leave rights of pregnant employees and applies if there are 50 or more employees in the workplace. Some pregnant employees may be eligible for protection under the Americans with Disabilities Act (ADA). Healthcare insurance and other provisions apply to the pregnant employee as they do to any other employee with a temporary disability.</p> <p>Many states have family and medical leave laws similar to the federal PDA, FMLA, and ADA. Employers covered by these laws should follow the state or federal laws' requirements that are most generous to the employee. If the employer's own disability/pregnancy leave policy is more generous, the policy should be followed.</p> <p>The Fair Labor Standards Act (FLSA) requires certain employers to also provide basic accommodations—including break time and a designated space other than a bathroom—for breastfeeding employees to pump (or express) breast milk at work. Additionally, some states' laws allow women to freely and openly breastfeed their children at any business location where they are otherwise authorized to be. All employers with 50 or more employees must comply with the FLSA's break-time requirements. Businesses with fewer than 50 employees are exempt if compliance would impose an undue hardship on the employer, which is determined by looking at the difficulty or expense versus the company's size, financial resources, nature, and structure. All employees who work for the employer, regardless of worksite, are counted when determining whether the exemption applies.</p>				
AL	All employers.	A state employee may use accrued sick time for pregnancy disability if she works until actually disabled and returns to work as soon as physically recovered. <i>Citation: Ala. Admin. Code § 670-X-14-.01 et seq.</i>	All employers.		State employees.
AK	Prohibits employment practices that discriminate on the basis of sex, including pregnancy, childbirth and related medical conditions, marital status, or parenthood. <i>Citation: AS 18.80.010 et seq.</i>	Public employers must treat pregnancy-related disabilities the same as other temporary disabilities regarding time off, including the starting time and length of leave, the availability of extensions, the accrual of seniority, and other benefits while on leave, and job reinstatement. <i>Citation: AS 39.20.500.</i>	Employers must treat pregnancy-related disabilities the same as other temporary disabilities are treated for the accrual of seniority and other benefits while on leave, and job reinstatement. <i>Citation: AS 18.80.010 et seq.</i>		All employers, defined as person who has 1 or more employees but does not include a club that is exclusively social or a non-profit fraternal, charitable, or educational organization or corporation.

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AR	<p>Prohibits employment practices that discriminate on the basis of gender (including pregnancy, childbirth, and related medical conditions). Employers must ensure that employees who are affected by pregnancy are treated the same way as employees with temporary disabilities.</p> <p>Public sector: With regard to public employees, maternity leave shall be treated as any other leave for sickness or disability. Accumulated sick leave and annual leave, if requested by the employee, shall be granted for maternity use, after which leave without pay may be used.</p> <p><i>Citations:</i> Ark. Code Ann. §§ 16-123-101 <i>et seq.</i>; 21-4-209.</p>	<p>Whatever an employer does in regard to temporary disability leave—offer leave with or without pay, or not at all—employees affected by pregnancy must be treated the same as temporarily disabled employees in their requests for time off.</p> <p><i>Citations:</i> Ark. Code Ann. §§ 16-123-101 <i>et seq.</i>; 21-4-209.</p>	<p>Must provide the same benefits to women affected by pregnancy as are provided for other temporarily disabled employees.</p> <p><i>Citations:</i> Ark. Code Ann. §§ 16-123-101 <i>et seq.</i>; 21-4-106 & 209.</p>	<p>Each permanent or probationary public employee is entitled to sick leave for incapacitating illness or injury. Leave is with full pay computed on the basis of one day for each complete month of service, including the probationary period.</p> <p><i>Citations:</i> Ark. Code Ann. §§ 16-123-101 <i>et seq.</i>; 21-4-106 & 209.</p>	<p>Private sector: Private employers with 9 or more employees.</p> <p>Public sector: All public employers.</p>

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CA	<p>Prohibits employment practices that discriminate on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth, breastfeeding or medical conditions related to the above or based on the perception that anyone has, or is associated with a person who has or is perceived as having, any such protected status.</p> <p><i>Citations:</i> California Fair Employment and Housing Act § 12926(q)(1); Cal. Gov. Code § 12940(a).</p>	<p>Pregnancy Disability Leave: Employees who are disabled by pregnancy, childbirth, or related medical conditions may take pregnancy disability leave (PDL) for a “reasonable period of time,” up to four months.</p> <p>A “four month leave” means time off for the number of days or hours the employee would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, “four months” is 693 hours of leave entitlement, based on 40 hours per week times 17 1/3 weeks. PDL may be taken on an intermittent schedule when medically advisable, as determined by the healthcare provider. PDL may be taken during pregnancy and before or after birth, as needed. Employees are eligible for up to four months of leave per pregnancy, not per year. The employee must actually be disabled to be entitled to PDL.</p> <p>There is no eligibility requirement, such as minimum hours worked or length of service, before an employee affected or disabled by pregnancy is eligible for disability leave, reasonable accommodation, or transfer. A woman is “disabled by pregnancy” if, in the opinion of her healthcare provider, she is unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of these functions without undue risk to herself, to her pregnancy’s successful completion, or to</p>	<p>Group health coverage: Employers must maintain and pay for coverage under a group health plan for an eligible female employee who takes Pregnancy Disability Leave for the duration of the leave, not to exceed four months over the course of a 12-month period, at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. This provision does not apply to state agencies with collective bargaining agreements.</p> <p>The time that an employer maintains and pays for group health coverage during pregnancy disability leave shall not be used to meet an employer’s obligation to pay for 12 weeks of group health coverage during leave taken under CFRA. This shall be true even where an employer designates pregnancy disability leave as family and medical leave under FMLA. The entitlements to employer-paid group health coverage during pregnancy disability leave and during CFRA are two separate and distinct entitlements.</p> <p>Other benefits: The employee shall accrue seniority and participate in employee benefit plans, including, but not limited to, life, short-term and long-term disability or accident insurance, pension and retirement plans, stock options and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply</p>	<p>Reasonable accommodation: It is unlawful for an employer to deny a request for reasonable accommodation made by an employee affected by pregnancy if: (1) The employee’s request is based on the advice of her health care provider that reasonable accommodation is medically advisable; and (2) The requested accommodation is reasonable.</p> <p>Transfer: An employer that has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of temporarily disabled employees to less strenuous or hazardous positions or duties for the duration of the disability (including disabilities resulting from on-the-job injuries) must offer the same transfer to an employee who is disabled by pregnancy when transfer is requested. An employer may, but need not, require a medical certification substantiating the employee’s need for transfer. The request for transfer must be based on the advice of the employee’s healthcare provider, stating that a transfer is medically advisable.</p> <p>Employer may not deny the request of an employee affected by pregnancy to transfer provided that (1) the employee’s request is based on the advice of her healthcare provider that a transfer is medically advisable and (2) such transfer can be reasonably accommodated by the employer.</p> <p>To provide a transfer, an employer need not create</p>	All employers with 5 or more employees.

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		<p>other persons. She is also considered by “disabled by pregnancy” if she is suffering from severe “morning sickness” or needs to take time off for: prenatal or postnatal care; bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; post-partum depression; childbirth; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy. Employer may request certification.</p> <p>Employer may require employee to use, or employee may elect to use, any accrued sick leave during an otherwise unpaid portion of PDL. Employee may also elect, at her option, to use vacation or other personal time off that the employee is eligible to take during the unpaid portion of her PDL. If an employee is disabled by pregnancy, she is entitled not only to four months of leave under the PDL, but also to a reasonable accommodation for her disability (including a longer leave of absence), absent an undue hardship to the employer.</p> <p><i>Citations:</i> California Fair Employment and Housing Act § 12945 (b)(2); Cal. Gov. Code § 12940(a); <i>Sanchez v. Swissport Inc.</i>, (2013) Cal. App. 4th 1331.</p> <p>Reproductive Loss Leave: Effective January 1, 2024, California Senate Bill 848 (SB 848) makes it unlawful for a covered</p>	<p>to any other unpaid disability leave granted by the employer for any reason other than a pregnancy disability.</p> <p><i>Citations:</i> California Fair Employment and Housing Act. § 12945 (b)(2); Cal. Gov. Code § 12940(a); 2 C.C.R. § 11044.</p>	<p>additional employment that the employer would not otherwise have created, discharge another employee, violate the terms of a collective bargaining agreement, transfer another employee with more seniority, or promote or transfer any employee who is not qualified to perform the new job. An employer may accommodate a pregnant employee’s transfer request by transferring another employee, but there is no obligation to do so.</p> <p>The employer may require a medical certification substantiating the employee’s need for transfer. If an employee’s healthcare provider provides medical certification that an employee has a medical need to take intermittent leave or leave on a reduced work schedule because of pregnancy, the employer may require the employee to transfer temporarily to an available alternative position that meets the needs of the employee and for which the employee is qualified. The alternative position must have the equivalent rate of pay and benefits, and must better accommodate the employee’s leave requirements than her regular job, but does not have to have equivalent duties.</p> <p><i>Citations:</i> California Fair Employment and Housing Act § 12945 (b)(2); Cal. Gov. Code § 12940(a); Cal. Lab. Code § 1030 et seq.; 2 C.C.R. §§ 11040 and 11041.</p>	

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		<p>employer to refuse to grant a request by an eligible employee to take unpaid reproductive loss leave. SB 848 adds Cal. Gov. Code § 12945.6 to the California Government Code (2024).</p> <p>A covered employer under SB 848 is either a private employer who employs five or more employees to perform services for a wage or salary, or public employers of any size.</p> <p>Note that on its face, SB 848 does not include a geographical qualification for private employers or employees, so if an employer has any employees who work in California, the law likely applies.</p> <p>An employee eligible for leave includes any person employed by a covered employer for</p>			

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		<p>at least 30 days prior to commencement of the leave.</p> <p>“Reproductive loss event” is defined by SB 848 as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.</p> <p>SB 848 makes it an unlawful employment practice for a covered employer to refuse to grant a request by any eligible employee to take up to five days of reproductive loss leave following a reproductive loss event. The five days of leave do not need to be taken consecutively. Reproductive loss leave must be completed within three months of the date of reproductive loss.</p> <p>In the absence of an</p>			

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		<p>employers existing policy to the contrary, reproductive loss leave may be unpaid.</p> <p>However, the SB 848 authorizes an employee to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.</p> <p>Additional information. Reproductive loss leave under SB 848 is a separate and distinct right from any right under the CFRA.</p>			

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CO	<p>Prohibits employment practices that discriminate on the basis of sex, including discrimination on the basis of pregnancy, childbirth, and related medical conditions.</p> <p>Under section 24-34-402.3 of the Colorado Anti-Discrimination Act, employers must provide a reasonable accommodation for an applicant for employment, or an employee, for health conditions related to pregnancy or physical recovery from childbirth, absent an undue hardship on the business. Employment opportunities may not be denied based on the need to make a pregnancy-related reasonable accommodation, and employers may not force an applicant or employee affected by pregnancy-related conditions to accept an accommodation that she has not requested, or that is unnecessary to perform the essential function of her job. Similarly, employers may not require a pregnant employee to take leave if there is another reasonable accommodation that may be provided <i>Citations:</i> C.R.S. §§ 8-13.5-103; 24-34-402; 24-34-402.3; 25-6-302.</p>	<p>Effective August 10, 2016, leave may be a reasonable accommodation for health conditions related to pregnancy or physical recovery from childbirth under section 24-34-402.3 of the Colorado Anti-Discrimination Act, absent an undue hardship. Applicants and employees must request a reasonable accommodation and employers may not force pregnant employees to take a leave that is not requested, nor require leave if another reasonable accommodation can be made. <i>Citation:</i> C.R.S. § 24-34-402; § 25-6-302 (breastfeeding); § 8-13.5-103 (accommodating nursing mothers at work).</p>		<p>Employers may be held liable for work-related injuries to the unborn children of their employees. <i>Citation:</i> <i>Pizza Hut v. Keefe</i>, 900 P.2d 97 (Colo. 1995).</p>	<p>All employers, regardless of size.</p>

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CT	<p>Under Connecticut law, employment practices that discriminate on the basis of sex, including pregnancy, childbirth, and related medical conditions including, but not limited to, lactation are prohibited. Employers also may not discriminate or retaliate against employees or applicants for requesting a pregnancy accommodation. An employer also may not discriminate against, discipline, or take any adverse employment action against any employee because she expresses breast milk or breastfeeds. <i>Citations:</i> Conn. Gen. Stat. §§ 31-40w and 46a-60 et seq.</p> <p>Connecticut House Bill 5158. Effective October 1, 2021, CT Gen. Stat. § 31-40w is repealed and Connecticut House Bill 5158 (HB 5158) takes effect. Under HB 5158, an employer must not discriminate against, discipline, or take any adverse employment action against any employee because she has elected to exercise her rights to breastfeed under the law.</p>	<p>Employers must grant reasonable accommodations to employees affected by pregnancy or related medical conditions. Accommodations may include anything from additional rest breaks and leave to modified duty and job restructuring. Employers need not provide accommodations that would create undue hardship. Employers are prohibited from requiring a pregnant employee or applicant to accept a reasonable accommodation or to take a leave of absence if an alternative accommodation can be provided. Employees also have a right to a reasonable leave of absence for disability resulting from pregnancy.</p> <p>Employers may charge time lost because of pregnancy-related disability against employees' FMLA entitlements. <i>Citations:</i> Conn. Gen. Stat. §§ 31-40w and 46a-60 et seq.</p> <p>Connecticut House Bill 5158. Effective October 1, 2021, CT Gen. Stat. § 31-40w is repealed and the Connecticut House Bill 5158 (HB 5158) takes effect. Under HB 5158, the law establishes that any employee may, at her discretion, express breast milk or breastfeed on-site at her workplace during</p>	<p>Employers must treat pregnancy-related conditions the same as they treat other types of temporary disabilities for all employment-related purposes, including benefits. Employees are entitled to reinstatement after absence for maternity to their original jobs or to equivalent positions with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits. <i>Citations:</i> Conn. Gen. Stat. §§ 31-40w and 46a-60 et seq.</p> <p>Connecticut House Bill 5158. Effective October 1, 2021, CT Gen. Stat. § 31-40w is repealed and the Connecticut House Bill 5158 (HB 5158) takes effect.</p>	<p>If it is possible that birth defects or damage may result to an individual's reproductive system or fetus, an employer may, through a physician, request from an employee information directly related to the possible harm; the employer must first inform the employee about the dangers involved in exposure to such substances. Employers must notify employees of rights, including rights to accommodations and rights to be free from discrimination. <i>Citations:</i> Conn. Gen. Stat. §§ 31-40w and 46a-60 et seq.</p> <p>Connecticut House Bill 5158. Effective October 1, 2021, CT Gen. Stat. § 31-40w is repealed and the Connecticut House Bill 5158 (HB 5158) takes effect.</p>	<p>Employers of 3 employees or more, as well as labor organizations and employment agencies.</p> <p>Connecticut House Bill 5158. Effective October 1, 2021, CT Gen. Stat. § 31-40w is repealed and the Connecticut House Bill 5158 (HB 5158) takes effect. All employers, including the state and any political subdivision of the state, are covered.</p>

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		<p>her meal or break period. Employers must make reasonable efforts to provide a room or another location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in private.</p> <p>Additionally, absent any undue hardship to the employer, the room or other location provided should 1) be free from intrusion and shielded from the public while such employee expresses breast milk; 2) include or be situated near a refrigerator or an employee-provided portable cold storage device in which the employee can store her breast milk; and 3) include access to an electrical outlet.</p>			

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DC	Prohibits employment practices that discriminate on the basis of sex, including pregnancy, childbirth, and related medical conditions. District law requires that all employers engage in a good-faith, timely interactive process with any employee requesting or “otherwise needing” a reasonable accommodation based on a pregnancy- or childbirth-related condition, unless doing so would create an undue hardship on the employer. Employers are prohibited from requiring an employee to accept an unnecessary accommodation or to take leave if a reasonable accommodation can be provided instead. Notice and certification requirements apply. <i>Citation:</i> D.C. Code § 2-1401.05.	No law that specifically requires employers to offer pregnancy leave. However, employers must provide the same leave benefits to women affected by a pregnancy-related condition that are provided to employees with temporary disabilities. The District has enacted a statute requiring employers to make reasonable accommodations to employees with limitations relating to childbirth except where such accommodations would result in an undue hardship. The District has also enacted family and medical leave statutes. <i>Citations:</i> D.C. Code §§ 2-1401.05; 32-1231.01 et seq.	Employers can provide leave for employees with temporary disabilities, or affected by pregnancy-related conditions, with or without pay, or not provide it at all, as long as all employees are treated the same in their request for temporary leave. <i>Citation:</i> D.C. Code § 2-1401.05.		All employers, regardless of size.

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DE	<p>Pregnancy is a protected characteristic under the Delaware Discrimination in Employment Act. Employers must make reasonable accommodations similar to those made under the Americans with Disabilities Act (ADA), for the known limitations of pregnant employees, as long as the accommodation does not constitute an undue hardship for the employer. Employers are required to accommodate employees whose ability to work is limited by pregnancy, childbirth, lactation, and related conditions.</p> <p>Accommodations may include providing more frequent or longer breaks, modifying a no-food-or-drink policy, and providing periodic rest, light-duty assignments, temporary transfer to alternative position, a modified work schedule or job responsibilities, and appropriate facilities for expressing breast milk. Employers must provide notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related conditions, including the right to reasonable accommodation to known limitations related to pregnancy, childbirth, and related conditions.</p> <p><i>Citation: 19 Del. C. § 710 et seq.</i></p>	<p>Employers should consider whether their leave and disability policies provide reasonable accommodation in the form of leave to employees whose ability to work is limited by pregnancy, childbirth, lactation, and related conditions.</p> <p><i>Citation: 19 Del. C. § 710 et seq.</i></p>			<p>Private employers with 4 or more employees, government agencies, labor organizations, and employment agencies.</p>

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FL	Prohibits employment practices that discriminate on the basis of sex. Discrimination on the basis of pregnancy is considered to be sex discrimination. This includes protection against discrimination based on pregnancy, which is a natural condition and primary characteristic unique to the female sex. The Florida Civil Rights Act was amended to expressly prohibit employment discrimination on the basis of pregnancy effective July 1, 2015. <i>Citation:</i> FSA §§ 383.015 and 760.01 et seq.; <i>Carsillo v. City of Lake Worth</i> , 995 So. 2d 1118 (Fla. Dist. Ct. App. 2008); HB 369.			There is no provision for this topic in this state.	All employers with 15 or more employees.
GA	Prohibits employment practices in the public sector that discriminate on the basis of sex, which includes pregnancy, maternity, and related medical conditions. <i>Citation:</i> O.C.G.A. § 45-19-20 et seq.	State employers must provide same leave benefits to women disabled by pregnancy as are provided to other employees with temporary disabilities. <i>Citation:</i> O.C.G.A. § 45-19-20 et seq.	Public employers can provide leave for employees with temporary disabilities, including pregnancy disability, with or without pay, or not provide it at all, as long as all employees are treated the same in their requests for temporary disability leave. <i>Citation:</i> O.C.G.A. § 45-19-20 et seq.	There is no provision for this topic in this state.	Public employers with 15 or more employees.
HI	Prohibits employment practices that discriminate on the basis of sex, including discrimination on the basis of pregnancy, childbirth, and related medical conditions. Employers prohibited from discriminating in employment against an employee who breastfeeds or expresses milk at the workplace. <i>Citations:</i> HRS § 378-1 et seq.; HRS §§ 378-2(a)(7).	Private and public employers with 100 or more employees must grant eligible employees four weeks of unpaid leave during any calendar year for the birth or adoption of a child. <i>Citations:</i> HRS § 378-1 et seq.; HRS §§ 378-2(a)(7).	Employers are required to treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes, including benefits, as other employees in the workplace are treated with a temporary disability. <i>Citations:</i> HRS § 378-1 et seq.; HRS §§ 378-2(a)(7).		All private sector and public sector employers regardless of size.

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ID	Prohibits employment practices that discriminate on the basis of sex. <i>Citations:</i> Idaho Code § 67-5901 et seq.; IDAPA 15.04.01.243.	and duration of a leave of absence, the availability of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement. An employee disabled by pregnancy is allowed to use her sick leave in the same manner as any other employee with a temporary disability. <i>Citations:</i> Idaho Code § 67-5901 et seq.; IDAPA 15.04.01.243.	Employers must treat pregnancy-related conditions the same as they treat other types of temporary disabilities for all employment-related purposes, including leave and other benefits. <i>Citations:</i> Idaho Code § 67-5901 et seq.; IDAPA 15.04.01.243.	State Personnel Commission Rules state that the employee's physician is the sole authority in setting the disability period for compensable sick leave. Maternity leave preceding or following the time of disability is leave without pay unless the state employee chooses to use accrued vacation time or compensatory time. <i>Citations:</i> Idaho Code § 67-5901 et seq.; IDAPA 15.04.01.243.	Private employers with 5 or more employees, government agencies, labor organizations, and employment agencies.

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IL	<p>Prohibits employment practices that discriminate on the basis of sex or pregnancy. A written or unwritten policy or practice that excludes applicants or employees from employment because of pregnancy is a violation of the state law, unless the employee's pregnancy renders her physically unable to be trained for or to perform the duties of the position. <i>Citations: 775 ILCS 5/2-101 et seq.; 56 ILAC 5210.110.</i></p>	<p>Employers must reasonably accommodate a pregnant employee or applicant's known medical or common conditions of pregnancy or childbirth. Such reasonable accommodation can include "time off to recover from conditions related to childbirth; and leave necessitated by pregnancy, childbirth, or medical or common conditions resulting from pregnancy or childbirth." However, the employer cannot require the pregnant employee/applicant to take a reasonable accommodation when she did not request one, and the employer also cannot require a pregnant employee to take leave if another reasonable accommodation can be provided. A pregnant employee taking leave as part of reasonable accommodation must be reinstated to her original job or an equivalent position unless it would impose an undue hardship on the employer.</p> <p>When determining the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, and payment under any wage loss or insurance plan, these leaves of absence should be governed by the same terms and conditions as leave offered by the employer to employees with temporary disabilities. <i>Citations: 775 ILCS 5/2-101 et seq.; 56 ILAC 5210.110.</i></p>	<p>Illness or disability caused or contributed to or by pregnancy, childbirth, miscarriage, or abortion must be treated the same as any other temporary disability for all employment-related purposes. <i>Citations: 775 ILCS 5/2-101 et seq.; 56 ILAC 5210.110.</i></p>	<p>It is a violation of state law for an employer to discharge an employee because she becomes pregnant. Employers must also reasonably accommodate a pregnant employee or applicant's known medical or common conditions of pregnancy or childbirth. However, the employer cannot require the pregnant employee/applicant to take a reasonable accommodation when she did not request one. Covered employers are required to post a notice of the rights of pregnant employees at the workplace and/or provide a notice in the employee handbook. <i>Citations: 775 ILCS 5/2-101 et seq.; 56 ILAC 5210.110.</i></p>	<p>there is no law for this topic in this state</p>

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- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
IN	Prohibits employment practices that discriminate on the basis of sex. This means that employers should ensure that their policies do not negatively impact one sex more than the other. <i>Citation: I.C. § 22-9-1-1 et seq.</i>	There is no provision for this topic in this state, except as applies to teachers. <i>Citation: I.C. § 20-28-10-1 et seq.</i>			All employers with 6 or more employees.
IA	Prohibits employment practices that discriminate on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. <i>Citation: Iowa Code § 216.6 et seq.</i>	Requires employers to grant unpaid leave to employees who are temporarily disabled because of pregnancy or related medical conditions, even if similar leaves are not granted for other temporary disabilities, and even if the leave is not available to the employee under any health, temporary disability, or sick leave plan. Employees are entitled to leave for the period of temporary disability or for eight weeks, whichever is less. <i>Citation: Iowa Code § 216.6 et seq.</i>	Employees with pregnancy-related disabilities must be treated the same as other employees with temporary disabilities are treated for purposes of healthcare coverage, benefits, and other employment matters. <i>Citation: Iowa Code § 216.6 et seq.</i>	Disabilities due to legal abortions must be treated the same as any other temporary disability for all employee benefits purposes except healthcare coverage. Employers may exclude health insurance coverage for abortion except if the life of the mother is endangered by the pregnancy or medical complications have arisen. <i>Citation: Iowa Code § 216.6 et seq.</i>	All employers, regardless of size.
KS	Policy or practice that excludes applicants or employees because of pregnancy is prohibited. <i>Citation: Kan. Admin. Reg. § 21-32-6(a).</i>	Employers can provide leave for employees with temporary disabilities, including pregnancy disability, with or without pay, or not provide it at all, as long as all employees are treated the same in their requests for temporary disability leave. Employers must consider childbearing a justification for a leave of absence for a reasonable period of time. If a female employee signifies an intent to return within a reasonable time, she is entitled to reinstatement in her original job or a position of like status, without loss of service, credits, seniority, or other benefits. <i>Citation: Kan. Admin. Reg. § 21-32-6(b)-(d).</i>	Employers can provide or choose not to provide benefits for employees with temporary disabilities, including pregnancy disability, as long as all employees are treated the same for purposes of health benefits, temporary disability insurance, and other benefits and privileges of employment. <i>Citation: Kan. Admin. Reg. § 21-32-6(b).</i>		All employers with 4 or more employees, except for nonprofit fraternal, social associations or corporations. <i>Citation: Kan. Stat. Ann. § 44-1002(b).</i>

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- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
KY	<p>Prohibits employment practices that discriminate on the basis of gender, which includes pregnancy, childbirth, or related medical conditions.</p> <p>Employers with 15 or more employees must also provide reasonable accommodations for pregnancy, childbirth, and related conditions (including, but not limited to, lactation). <i>Citations:</i> KRS §§ 344.040, 344.030(8).</p>	<p>Employees affected by pregnancy must be treated in the same way as employees with temporary disabilities. Employees affected by pregnancy must be treated the same as temporarily disabled employees in their requests for time off.</p> <p>Employers with 15 or more employees must provide reasonable accommodations for pregnancy, childbirth, and related conditions (including, but not limited to, lactation). Such accommodations may include additional or longer break times and modified work schedules (including leave). <i>Citations:</i> KRS §§ 344.040, 344.030(8).</p>	<p>Employees affected by pregnancy must be treated the same as temporarily disabled employees as to the beginning and duration of disability leave, the availability of extensions, the accrual of seniority and other benefits while on leave, and reinstatement. <i>Citation:</i> KRS §§ 344.040, 344.030(8).</p>		<p>Reasonable accommodations: Employers with 15 or more employees.</p> <p>All other provisions: Employers with 8 or more employees. <i>Citation:</i> § 344.030(2).</p>
LA	<p>Prohibits employment practices that discriminate on the basis of pregnancy, childbirth, or related medical conditions. <i>Citations:</i> La. Rev. Stat. Ann. §§ 23:341-42.</p>	<p>Requires employers to give unpaid leave for a reasonable length of time, not greater than four months, to employees who are disabled by pregnancy, childbirth, or related medical conditions, even if similar leaves are not granted for other temporary disabilities. The employee may use up any accrued vacation leave. Six weeks of leave must be granted for a “normal” pregnancy, and up to four months for more seriously disabling pregnancies. Employers may require “reasonable” notice of the date the leave is to begin and the estimated duration of the leave. <i>Citations:</i> La. Rev. Stat. Ann. §§ 23:341-42.</p>	<p>Employers are required to treat pregnant and non-pregnant employees the same for all employment-related purposes if the employees are similar in their ability or inability to work.</p> <p>Employer may not refuse to select a pregnant employee for a training program leading to promotion if the employee is able to complete the program three months prior to the start of her pregnancy leave. <i>Citations:</i> La. Rev. Stat. Ann. §§ 23:341-42.</p>	<p>If a policy requires transfers of any temporarily disabled employee to a less strenuous/hazardous position, a pregnant employee who requests a transfer must be given one. If no policy is in place, pregnant employee must be given a transfer if requested on the advice of her physician and transfer can be reasonably accommodated. Employers are not required to create additional employment, discharge or transfer a more senior employee, or promote an unqualified employee. <i>Citations:</i> La. Rev. Stat. Ann. §§ 23:341-42.</p>	<p>Employers with more than 25 employees for 20 or more weeks within the current or preceding calendar years.</p>

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- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
ME	<p>Prohibits discrimination on the basis of sex, including pregnancy and related medical conditions.</p> <p>Employers must provide a reasonable accommodation to any employee with a pregnancy-related condition unless doing so would impose an undue hardship on the employer's business. A "pregnancy-related condition" means a known limitation of an employee's ability to perform job functions due to pregnancy, childbirth, or related medical condition, including lactation. Reasonable accommodations include providing more frequent or longer breaks, temporary modification in work schedules, seating or equipment, temporary relief from lifting requirements, temporary transfer to less strenuous or hazardous work, and provisions for lactation as required under state law. <i>Citation: 5 M.R.S.A. § 4572-A.</i></p>	<p>Employers are not required to provide pregnancy leave, but must treat employees affected by pregnancy the same for all employment-related purposes as other employees who require temporary leave. <i>Citation: 5 M.R.S.A. § 4572-A.</i></p>	<p>Must treat employees who are affected by pregnancy the same for all employment-related purposes as other employees who require temporary leave. <i>Citation: 5 M.R.S.A. § 4572-A.</i></p>		All employers.

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Maternity Leave and Benefits

- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
MD	<p>Prohibits employment practices that discriminate on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth, and related medical conditions. Effective in 2013, employers must also provide reasonable accommodations for disabilities caused or contributed to by pregnancy, unless such an accommodation would result in an undue hardship. <i>Citation:</i> Md. Code Ann. § 20-601 et seq. (State government).</p>	<p>Employers must provide the same leave benefits to pregnant employees as provided to other temporarily disabled employees. Employers can provide leave for employees with temporary disabilities, including pregnancy disability, with or without pay, or not at all, as long as all employees are treated the same. All employers with 15 or more employees must provide reasonable accommodations to employees with a disability caused or contributed to by pregnancy, as long as the accommodation does not impose an undue hardship on the employer's operations. <i>Citation:</i> Md. Code Ann. §§ 20-601 et seq. (State government) and § 20-609.</p> <p>Under a separate law, employers with between 15 and 49 employees must grant eligible employees six weeks of unpaid leave for the birth of the employee's child or placement of a child with the employee for adoption or foster care. <i>Citation:</i> Md. Code Ann., Labor & Employ. § 3-1202.</p>	<p>Pregnant employees must be treated the same for all employment-related purposes—including benefits, accrual of seniority, and other benefits and privileges—as employees with other temporary disabilities. <i>Citation:</i> Md. Code Ann. § 20-609 (State government).</p>	<p>Parental Leave Law requires private employers and some state employers that grant paid leave following the birth of a child to grant the same leave to employees who adopt a child. <i>Citation:</i> Md. Code Ann., Labor & Employ. § 3-801.</p>	<p>See Wis Stat. ss. 108.04(1) and 108.05(3)(c).</p>

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- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
MA	<p>Unlawful to discriminate against an employee based on sex, which includes pregnancy, childbirth, and related medical conditions. Massachusetts Commission Against Discrimination regulations require employers to treat employees affected by pregnancy in the same way employees with temporary disabilities are treated.</p> <p>Pregnancy will be a covered protected class under Mass. Gen. Law Ch. 151B, §4. Under that statute, employers will be required to provide reasonable accommodations related to pregnancy, childbirth, or related conditions, unless doing so would pose an undue hardship to the employer. Pregnancy related conditions, includes but is not limited to the need to express breast milk for a nursing child.</p> <p><i>Citations:</i> Mass. Gen. Laws ch. 151B, § 1 et seq.; 804 C.M.R. § 8.01.</p>	<p>The Massachusetts Pregnant Workers Fairness Act requires covered employers to provide reasonable accommodations to employees and prospective employees for pregnancy or pregnancy-related conditions. Accommodations may include, but are not limited to, time off to attend to a pregnancy complication or to recover from childbirth (with or without pay). The Act also prohibits employers from requiring an employee to accept an accommodation that she chooses not to accept if that accommodation is unnecessary to enable her to perform the essential functions of her job. This prohibition includes requiring employees to take leave from employment if an alternate accommodation is available.</p> <p>Under the amendments to the Massachusetts Maternity Leave Act (MMLA)—now known as the Parental Leave Act—an employee who has completed the initial probationary period of employment, not to exceed 3 months or, if no such period exists, has been employed for at least 3 consecutive months by the same employer as a fulltime employee, is eligible for parental leave. The employee is entitled to take a maximum of 8 weeks’ unpaid leave to give birth to a child, adopt a child who is under the age of 18, or adopt a child under the age of 23 who is mentally or physically disabled. Leave rights apply to all parents of the child, regardless of gender. Leave may be granted with or without pay, at the employer’s</p>	<p>The state Pregnant Workers Fairness Act requires covered employers to provide reasonable accommodations to employees and prospective employees for pregnancy or pregnancy-related conditions. Additionally, the law prohibits employers from retaliating against an employee in the terms, conditions, or privileges of her employment based on a request for or use of reasonable accommodation. This includes, but is not limited to, failure to reinstate an employee to her original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits.</p> <p>Employees who take parental leave are also entitled to their previous or similar job with the same status, pay, length of service credit, and seniority.</p> <p><i>Citations:</i> Mass. Gen. Laws ch. 151B, § 1 et seq.; 804 C.M.R. § 8.01; Mass. Gen. Laws ch. 149, § 105 D.</p>		Private employers with 6 employees, public employers, employment agencies, and unions.

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State	Discrimination	Leave	Benefits	Other	Covered employers
		<p>discretion. PLA leave is available at the time of the birth or adoption, but not substantially earlier or substantially later. For parents employed by the same employer, the PLA limits the two employees to 8 weeks of parental leave for the birth or adoption of the same child. Restoration rights apply. An employer that agrees to provide an employee with more than 8 weeks' leave must reinstate the employee at the end of the extended leave, unless the employer clearly informs the employee in writing before the start of the leave and before any subsequent extension of the leave that taking longer than 8 weeks will result in denial of reinstatement or loss of other rights and benefits. The employee must give at least 2 weeks' notice of his or her expected departure date and intention to return to his or her job. An employee may provide notice "as soon as practicable" if there is a delay in providing notice that is beyond the employee's control. Employers must post notice of the statute's requirements in the workplace.</p> <p><i>Citations:</i> 804 C.M.R. § 8.01; Mass. Gen. Laws ch. 149, § 105 D.</p>			

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State	Discrimination	Leave	Benefits	Other	Covered employers
MN	<p>Except when based on a bona fide occupational qualification, it is an unfair employment practice not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth the same as other persons who are not so affected but who are similar in their ability or inability to work. Thus, employers are required to provide the same leave benefits to women affected by pregnancy or childbirth, or disabilities related to pregnancy or childbirth, that are provided to employees with temporary disabilities.</p> <p>Employers must provide reasonable accommodations for an employee's pregnancy-related health conditions if she requests such accommodation with the advice of her licensed healthcare provider or certified doula, unless the accommodation would create an undue hardship on the employer's business.</p> <p>Reasonable accommodation includes temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting.</p> <p>The employee and employer must engage in an interactive process with respect to an employee's request for a reasonable accommodation. Employers are not required to create a new or additional position or discharge, promote, or transfer any other employee with greater seniority in order to accommodate a pregnant employee.</p> <p>The Women's Economic</p>	<p>The Women's Economic Security Act amended the Minnesota Parental Leave Act ("MPLA") to: (1) increase the amount of unpaid leave for eligible employees from 6 weeks to 12 weeks and (2) provide for both "pregnancy" leave (i.e., leave for "[a] female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions") and "parental" leave (i.e., leave for "[a] biological or adoptive parent in conjunction with the birth or adoption of a child").</p> <p>While pregnancy leave may be taken at the request of the employee, "parental" leave must be no more than 12 months after the birth or adoption, or if the child must remain in the hospital longer than the mother, not longer than 12 months after the child leaves the hospital.</p> <p>The MPLA, as amended, also makes clear that leave taken pursuant to the FMLA, as well as paid parental, disability, personal, medical, sick leave, and accrued vacation provided by the employer, may be used to reduce the employee's 12-week leave entitlement under MPLA as amended by WESA. The employee must be reinstated to the same or a comparable position after the leave.</p> <p><i>Citations:</i> 2014 Minn. Laws ch. 239 (codified at Minn. Stat. §§ 181.940, 181.941, 181.943).</p>	<p>There is no provision for this topic in this state.</p>	<p>The Women's Economic Security Act requires certain pregnancy-related accommodations. Specifically WESA provides: "[a]n employer must provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she so requests . . . unless the employer demonstrates that the accommodation would impose an undue hardship....." WESA defines certain accommodations as not imposing an "undue hardship," including "(1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds." Employers are prohibited from requiring a doctor's note with respect to these "mandatory" accommodations.</p> <p>Other accommodations, such as temporary transfer to a less strenuous or hazardous position, must be granted unless they impose an "undue hardship." However, WESA does provide that an employer is not "required to create a new or additional position in order to accommodate [a pregnant employee], and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee."</p> <p><i>Citation:</i> 2014 Minn. Laws ch. 239 (codified at Minn. Stat. § 181.9414).</p>	<p>Leave: Employers with 21 or more employees "at at least one site." Eligible "employees" must work at least ½ time for 12 consecutive months before the requested leave is to begin.</p> <p>Pregnancy accommodation: Employers with 21 or more employees "at at least one site." Eligible "employees" must work at least ½ time for 12 consecutive months before the requested leave is to begin.</p> <p>Discrimination: All employers.</p>

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State	Discrimination	Leave	Benefits	Other	Covered employers
	Security Act amended the Minnesota Human Rights Act to prohibit discrimination based on “familial status,” which is defined as “the condition of one or more minors being domiciled with (1) their parent or parents or the minor’s legal guardian or (2) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian.” <i>Citation:</i> Minn. Stat. § 363A.08.				
MS		Pregnant women disabled by pregnancy must be granted leave on the same terms as other disabled employees. Pregnant women are allowed to use major medical leave rather than personal leave for the first eight hours of each absence for prenatal care by a medical doctor when certified in advance by the doctor. <i>Citation:</i> MS State Policy and Procedure Manual § 7.22.6.			State employees.
MI	Prohibits employment practices that discriminate on the basis of sex, including pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, but not nontherapeutic abortion not intended to save the mother’s life. <i>Citation:</i> MCL § 3.548(201).	Employers must treat employees affected by pregnancy the same as employees with temporary disabilities. This means that whatever an employer does in regard to temporary disability leave—offer leave with or without pay, or not at all—employees affected by pregnancy must be treated the same as temporarily disabled employees in their requests for time off. <i>Citation:</i> MCL § 3.548(201).			All employers.

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MO	Guidelines issued by the Missouri Human Rights Commission advise employers covered by the Missouri Human Rights Law to treat women who are affected by pregnancy in the same way that employees with temporary disabilities are treated. <i>Citation:</i> RS Mo. § 213.055 et seq.	Employers must provide the same leave benefits to women affected by pregnancy that are provided to employees with temporary disabilities. Leave offered may be with or without pay, or not provided at all, as long as all employees are treated the same in their requests for temporary disability leave. <i>Citation:</i> RS Mo. § 213.055 et seq.	Employers that terminate employees with a temporary disability because of an inadequate leave policy may be in violation of the Human Rights Act, if such a policy has a disproportionate impact on employees of one sex and is not justified by business necessity. <i>Citation:</i> RS Mo. § 213.055 et seq.		All private employers and state employers with 6 or more employees.
MT	Prohibits employment practices that discriminate on the basis of sex. For public employees, an employer may not refuse to hire or discharge employee who expresses milk in the workplace, unless based on a bona fide occupational qualification. Public employers must have a written policy supporting women who want to continue breastfeeding after returning from maternity leave. <i>Citations:</i> Mont. Code Ann. §§ 39-2-215, 49-2-101 et seq. and 49-2-310, 311; Mont. Admin. R. 24.9.1201.	An employee may request leave for a pregnancy-related disability that occurs before the birth of a child as long as it is approved by the employer. A pregnancy-related disability includes any condition certified by a medical doctor as disabling, whether the condition arises as a result of the normal course of pregnancy or where an abnormal medical condition occurs. <i>Citations:</i> Mont. Code Ann. §§ 49-2-101 et seq. and 49-2-310, 311; Mont. Admin. R. 24.9.1201.	Unlawful for an employer to terminate a woman because of her pregnancy, to refuse to grant to the pregnant employee a reasonable leave of absence, or to deny the employee any compensation to which she is entitled as a result of accumulation of disability or leave benefits. After the employee returns, she must be reinstated to her original position or to an equivalent job with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits. <i>Citations:</i> Mont. Code Ann. §§ 49-2-101 et seq. and 49-2-310, 311; Mont. Admin. R. 24.9.1201.	Employers may require that an alleged disability be verified by certification. <i>Citations:</i> Mont. Code Ann. §§ 49-2-101 et seq., 49-2-310, 311; Mont. Admin. R. 24.9.1205.	All private employers and public employers, regardless of size, employment agencies, and labor organizations are subject to the Montana Maternity Leave Act. Public employers are subject to the breastfeeding statutes.
NE	Prohibits employment practices that discriminate on the basis of sex, including pregnancy, childbirth, or pregnancy-related medical conditions. <i>Citations:</i> Neb. Rev. Stat. § 48-1101 et seq. and 48-234.	Employers who authorize a leave of absence for the birth of an employee's child must authorize the same type of leave for an adoptive parent, unless the child is over the age of 18 and a special needs child or over the age of 8 and not a special needs child, or a stepchild being adopted by a stepparent or a foster child being adopted by a foster parent. <i>Citations:</i> Neb. Rev. Stat. § 48-1101 et seq. and 48-234.			See Wis. Admin. Code DWD § 128.

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NV	<p>Prohibits employment practices that discriminate on the basis of sex, which includes pregnancy, childbirth, or related medical conditions.</p> <p>It is an unlawful employment practice for an employer to refuse to provide a reasonable accommodation to a female employee or applicant, upon the employee or applicant's request, for a condition relating to pregnancy, childbirth, or a related medical condition unless the accommodation would impose an undue hardship on the business of the employer.</p> <p><i>Citations:</i> NRS §§ 613.310, 613.330, and 613.335.</p>	<p>If employer grants leave with or without pay, or leave without loss of seniority to employees for sickness or disability because of a medical condition, they must do so for any female employee who is pregnant. Pregnant female employee must be allowed to use the leave before and after childbirth, miscarriage, or any other natural resolution of her pregnancy, if the leave is granted, accumulated, or accrued as part of her employment benefits.</p> <p>The Nevada Pregnant Workers' Fairness Act requires covered employers to provide reasonable accommodations to employees or applicants for conditions relating to pregnancy, childbirth, or related medical conditions. Employers have the burden of proving that an accommodation would impose undue hardship on the business. Accommodations may include a change in the work environment or application process or a change to the way things are customarily carried out that allows the employee or applicant to have equal employment opportunities. Examples may include revised break and work schedules. Employers are prohibited from requiring a covered employee or applicant to accept an accommodation that she did not request or chooses not to accept. Employers are also prohibited from requiring covered employees to take leave from employment if an available reasonable accommodation for the pregnancy, childbirth, or related</p>	<p>Employers must provide the same benefits to women disabled by pregnancy as are provided to other employees with temporary disabilities.</p> <p>The Nevada Pregnant Workers' Fairness Act requires covered employers to provide reasonable accommodations to employees or applicants for conditions relating to pregnancy, childbirth, or related medical conditions (see Nev. Rev. Stat. § 613.335). <i>Citations:</i> NRS §§ 613.310 and 613.335.</p>		<p>Any person with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.</p>

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		<p>condition would allow the employee to continue working.</p> <p>Employers are required to provide written or electronic notice of these rights to new employees upon hire, within 10 days of an employee's notification of her pregnancy, and in a conspicuous place in the business.</p> <p><i>Citation:</i> NRS § 613.335.</p>			
NH	<p>Prohibits employment practices that discriminate on the basis of sex, including pregnancy and medical conditions which result from pregnancy. To restrict or limit the right of a mother to breast-feed her child is discriminatory.</p> <p><i>Citations:</i> N.H. Rev. Stat. Ann. §§ 354-A:7 and 132:10-d.</p>	<p>An employer must permit a female employee to take a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. When she is physically able to return to work, her original job or a comparable position must be made available to her, unless impossible or unreasonable due to business necessity.</p> <p><i>Citation:</i> N.H. Rev. Stat. Ann. § 354-A:7.</p>	<p>For all employment-related purposes other than discrimination in compensation or in terms, conditions, or privileges of employment or in leave (including for receipt of benefits under fringe benefit programs), pregnancy, childbirth, and related medical conditions are considered temporary disabilities. A female employee affected by pregnancy, childbirth, or related medical conditions must be treated in the same manner as any employee affected by any other temporary disability.</p> <p><i>Citation:</i> N.H. Rev. Stat. Ann. § 354-A:7.</p>		<p>All private employers and public employers with 6 or more employees. However, nonprofit social, fraternal, or religious clubs, associations, or corporations are exempt from coverage under the statute.</p> <p><i>Citation:</i> N.H. Rev. Stat. Ann. § 354-A:2, VII.</p>

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State	Discrimination	Leave	Benefits	Other	Covered employers
NJ	<p>Prohibits employment practices that discriminate on the basis of pregnancy and breastfeeding, both of which are protected under the New Jersey Law Against Discrimination (NJPLAD). Employers must treat pregnant employees no differently than nonpregnant employees who require medical leave and must provide reasonable accommodations to pregnant employees, such as break times and assistance with manual labor.</p> <p>It is also an unlawful employment practice for an employer to refuse to hire, to discharge, or to otherwise discriminate against an individual on the basis of breastfeeding. Employers are required to provide reasonable accommodation for the expression of milk during the workday, unless undue hardship can be shown. <i>Citation: N.J.S.A. 10:5-1 et seq.</i></p>	<p>The New Jersey Family Leave Act (NJFLA) does not grant employees time off because of their own serious health conditions, however, the serious illness of a child is covered under the Act.</p> <p>Female employees who need time off for child bonding after the birth, adoption, or foster placement of a child are also covered by the state leave law (however, again, the employee's own pregnancy-related health condition is not covered by the state leave law). The state leave law allows for 12 weeks of authorized leave in a 24-month period.</p> <p>Where an employee's leave for child care/bonding with a new child or due to the serious health condition of a child is covered by both the NJFLA and the FMLA, the leave simultaneously counts against the employee's entitlement under both laws. Eligible employees must be employed at least 12 months by the employer and have worked at least 1,000 base hours in the preceding 12 months. <i>Citation: N.J.S.A. 34:11B-1.</i></p>	<p>New Jersey's Temporary Disability Benefits (TDB) Law requires employers to carry disability insurance for employees who become unable to work because of a nonoccupational injury or illness, including pregnancy. Employers may participate in a state plan or obtain comparable coverage through a private insurance plan. The law covers employees that are subject to the state unemployment law. TDB provides eligible employees with up to 26 weeks of temporary disability. <i>Citation: N.J.S.A. 43:21-25 et seq.</i></p>	<p>Employers must treat pregnant employees no differently than nonpregnant employees who require medical leave. An employer may terminate an employee who exceeds the time allowed under an employer-provided medical leave policy, even if he or she is medically unable to return to work, as long as the employer consistently applies the policy with no exceptions (see <i>Gerety v. Atlantic City Hilton Casino Resort</i>, 877 A.2d 1233 (NJ, 2005)).</p> <p>It is also an unlawful employment practice for an employer to refuse to hire, to discharge, or to otherwise discriminate against an individual on the basis of breastfeeding. Employers are required to provide reasonable accommodation for the expression of milk during the workday, including break times and a suitable location for expressing breast milk, unless undue hardship can be shown. <i>Citation: N.J.S.A. 10:5-1 et seq.</i></p>	<p>Law Against Discrimination: All private employers and public employers, regardless of size.</p> <p>New Jersey Family Leave Act (NJFLA): Private employers and public employers with 30 or more employees</p>

Maternity Leave and Benefits – Federal & State Law Reference Chart

Maternity Leave and Benefits

- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
NM	<p>House Bill 25 was signed into law on March 6, 2020, amending the New Mexico Human Rights Act. Effective May 20, 2020, the amendment adds protections for pregnant workers, including the right to a reasonable accommodation. The law requires employers to make reasonable accommodations for employees and/or job applicants with a need arising from pregnancy, childbirth, or a condition related to pregnancy or childbirth. Reasonable accommodations include, but are not limited to, requests for a stool, extra bathroom breaks, or time to make prenatal visits.</p> <p>The law does not specifically mandate a leave of absence but does indicate that a change to a work schedule may be required, which could include intermittent or reduced schedule leave. Additionally, while leave may be agreed upon by the parties, an employer cannot require an employee to take paid or unpaid leave if another reasonable accommodation can be provided. The law prohibits employment practices that discriminate on the basis of sex.</p> <p><i>Citations:</i> NMSA 1978, § 28-1-1 et seq. and 9 NM Admin. Code § 1.1.7 MM (2).</p>	<p>Employers must treat pregnancy-related conditions the same as they treat other types of temporary disabilities for all employment-related purposes, including leave.</p> <p><i>Citations:</i> NMSA 1978, § 28-1-1 et seq. and 9 NM Admin. Code § 1.1.7 MM (2).</p>	<p>Employers must treat pregnancy and related conditions the same for all employment-related purposes, including receipt of employee benefits. Includes the commencement and duration of a leave of absence, the availability of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement.</p> <p><i>Citations:</i> NMSA 1978, § 28-1-1 et seq. and 9 NM Admin. Code § 1.1.7 MM (2).</p>		<p>All private employers with 4 or more employees, as well as labor organizations and employment agencies.</p>

Maternity Leave and Benefits – Federal & State Law Reference Chart

Maternity Leave and Benefits

- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
NY	<p>Prohibits employment practices that discriminate on the basis of sex and sexual orientation. Discrimination based on sex has been interpreted to include discrimination because of pregnancy. Employers must provide reasonable accommodations to employees with pregnancy-related medical conditions, unless doing so would create an undue hardship.</p> <p>Pregnancy-related conditions are to be treated as temporary disabilities. The employee must provide medical or other information necessary to verify the existence of the pregnancy-related condition or necessary to document the need for accommodation. Employers must keep such medical information confidential. <i>Citations:</i> NY Exec. Law § 290 et seq. and § 292; NY Civ. Rights Law § 79-e.</p> <p>Employers are prohibited from discharging, threatening, penalizing, or otherwise discriminating or retaliating against an employee who chooses to express milk in the workplace. In addition, New York’s Labor Law requires employers to provide employees with reasonable break time each time they have a reasonable need to</p>	<p>Employers with 4 or more employees are required to provide reasonable accommodation to employees with pregnancy-related conditions, including modified work schedules. Pregnancy-related conditions are treated as temporary disabilities under the law. <i>Citation:</i> NY Exec. Law § 292.</p>	<p>Employers must treat women temporarily disabled by pregnancy the same as any other temporarily disabled employee for all employment-related purposes. <i>Citations:</i> NY Exec. Law § 290 et seq. and NY Civ. Rights Law § 79-e.</p>		<p>All employers with 4 or more employees.</p>

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- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
	<p>express breastmilk. This obligation continues to apply for up to three years following childbirth. <i>Citation:</i> NY Lab. Law § 206-c.</p> <p>New York City. The New York City Human Rights Law (NYCHRL) has been interpreted by the courts to prohibit discrimination based on pregnancy and related conditions as gender-based discrimination. Employers must provide a reasonable accommodation to an employee based on her needs related to pregnancy, childbirth, or a related medical condition. No finding of pregnancy-related disability is required to trigger the employer’s responsibility to provide reasonable accommodation. Reasonable accommodations may include “bathroom breaks, leave for a period of disability arising from childbirth, breaks to facilitate increased water intake, periodic rest for those who stand for long periods of time, and assistance with manual labor, among other things.” A “reasonable” accommodation is one that can be made without an undue hardship to the employer (i.e., taking the nature and cost of the accommodation into consideration, along with the employer’s financial resources and limitations of the physical location into consideration).</p> <p>Failure to comply with the law</p>				

Maternity Leave and Benefits – Federal & State Law Reference Chart

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State	Discrimination	Leave	Benefits	Other	Covered employers
	may result in including punitive damages and attorneys' fees under the expansive penalty provisions of the existing NYCHRL. All covered employers must provide a copy of the written notice to new employees at the start of employment. The notice is available (in English and several other languages) on the New York City government's website at http://www.nyc.gov . Posting of the notice is encouraged, but not required.				
NC	No state law provides leave or benefits for this purpose.	No state law provides leave or benefits for this purpose.	No state law provides leave or benefits for this purpose.		No state law provides leave or benefits for this purpose.
ND	Prohibits employment discrimination on the basis of sex, including pregnancy, childbirth, and disabilities related to pregnancy or childbirth. <i>Citation:</i> N.D.C.C. § 14-02.4-01 et seq.	Pregnancy must be treated the same as other temporary disability. This includes the commencement and duration of a leave of absence, the availability of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement. <i>Citation:</i> N.D.C.C. § 14-02.4-01 et seq.	State employees who are pregnant and working in an agency housed on the capitol grounds may be issued a temporary parking permit to park in any area open to the general public. <i>Citation:</i> N.D.C.C. § 54-21-18.		Discrimination and Leave: All employers. Benefits: State agencies housed on the capitol grounds in Bismarck.
OH	Prohibits employment practices that discriminate on the basis of pregnancy or any pregnancy-related illness or condition. <i>Citations:</i> Ohio Rev. Code §§ 4112.01 et seq. and 3781.55.	Employers must treat disability due to pregnancy or childbirth in the same manner as it treats other temporary leave. If an employer has no leave policy, childbearing must be considered by the employer to be a justification for a leave for a reasonable period of time. Following leave, an employee is entitled to return to the same or a similar job. <i>Citations:</i> Ohio Rev. Code §§ 4112.01 et seq. and 3781.55.	Women affected by pregnancy, childbirth, or related medical conditions must be treated the same for all employment-related purposes, including receipt of employee benefits, as are other employees who are temporarily disabled but similar in their ability to work. <i>Citation:</i> Ohio Rev. Code § 4112.01 et seq.	Employers are not required to pay for health insurance benefits for abortion except where the mother's life would be endangered if the fetus were carried to term, or where medical complications have arisen from the abortion. <i>Citations:</i> Ohio Rev. Code §§ 4112.01 et seq. and 9.04.	Private employers with 4 or more employees and all state and local government agencies, regardless of size.

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Maternity Leave and Benefits

- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
OK	Prohibits discrimination in employment based on sex, which includes, but is not limited to, pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions. <i>Citations:</i> Okla. Stat. Tit. 25 § 1101 et seq. and OK Admin. Code § 335:15-3-9.	State Human Rights Commission guidelines state employers that terminate employees with a temporary disability because of an inadequate leave policy may be in violation of the civil rights law if such a policy has a disproportionate impact on employees of one sex and is not justified by business necessity. <i>Citations:</i> Okla. Stat. Tit. 25 § 1101 et seq. and OK Admin. Code § 335:15-3-9.	Employees and their beneficiaries who are either totally disabled or undergoing surgical treatment—including maternity care and delivery expenses—and who are covered for at least six months under any healthcare policy can have their continuation coverage extended. Basic coverage can be extended for up to three months and major medical coverage for up to six months. <i>Citations:</i> Okla. Stat. Tit. 25 § 1101 et seq.; OK Admin. Code § 335:15-3-9.		All employers with 15 or more employees.
OR	Prohibits employment practices that discriminate on the basis of sex—includes discriminating because of pregnancy, childbirth, and related medical conditions. Effective January 1, 2020, Oregon’s Employer Accommodation for Pregnancy Act also requires employers with 6 or more employees to provide reasonable accommodations for employees’ and applicants’ known limitations related to pregnancy, childbirth, and related conditions. <i>Citation:</i> ORS § 659A.001 et seq.	An employee must give 30 days’ written notice to an employer to commence his or her family leave, unless an unexpected serious health condition, illness, injury, or birth occurs. In this instance, the employee must give oral notice to the employer within 24 hours of the commencement of the leave and must provide written notice to the employer within three days after the return to work. If the employee fails to give the required written notice, the family leave may be reduced by three weeks, and the employee may be subject to disciplinary action. <i>Citation:</i> ORS § 659A.001 et seq.	Policies on seniority, payments under any health or disability insurance or sick leave plan, and other benefits, both written and unwritten, must treat pregnancy-related conditions the same as other temporary disabilities. <i>Citation:</i> ORS § 659A.001 et seq.		Pregnancy accommodations: All employers of six or more employees. Other provisions: All employers, regardless of size.

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- Does your state have laws regarding pregnant employees that go beyond federal law?

State	Discrimination	Leave	Benefits	Other	Covered employers
PA	Prohibits employment discrimination against any applicant, employee, or independent contractor on the basis of sex. Discrimination on the basis of sex includes pregnancy, childbirth, and other related medical conditions. Guidelines issued by Pennsylvania's Human Relations Commission advise employers to treat employees with disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery therefrom the same as employees who are temporarily disabled with respect to leave benefits and rights. The Commission guidelines state that a written or unwritten employment policy or practice that excludes applicants or employees from employment because of pregnancy violates the state Human Relations Act. Citations: 43 P.S. § 951, et seq. and 16 Pa. Code § 41.103.	Employees affected by pregnancy-related conditions are entitled to time off under the same terms and conditions as employees with other types of temporary disabilities. This includes such things as the commencement and duration of disability leave, the availability of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement. Citation: 16 Pa. Code § 41.103.	Employers must treat employees who are affected by pregnancy the same for all employment-related purposes as employees with temporary disabilities are treated. Citation: 16 Pa. Code § 41.103.	Mandatory maternity leave policies requiring automatic leave at specified times during pregnancy violate the state Human Relations Act. An employer may allow additional time off for childrearing; however, any time allowed must be applied equally to men and women for natural children or adopted children. Citation: 16 Pa. Code § 41.103.	Private employers with 4 or more employees and all state employers. Citation: 43 P.S. § 951-963.
RI	Prohibits employment practices that discriminate on the basis of sex, including pregnancy, childbirth, or related medical conditions, unless based on a bona fide occupational qualification (BFOQ). Citation: R.I. Gen. Laws § 28-5-1 et seq.; R.I. Gen. Laws § 28-5-7.4.	An employer's leave policies must treat pregnancy-related conditions the same as other temporary disabilities. Citations: R.I. Gen. Laws §§ 28-5-1 et seq. and 28-5-7.4.	An employer's health, disability insurance, and sick leave plans must treat pregnancy-related conditions the same as other temporary disabilities. This includes such matters as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits, and job reinstatement. Citations: R.I. Gen. Laws §§ 28-5-1 et seq., 28-5-7.4, and R.I. Gen. Laws 28-41-8.		Private employers with 4 or more employees and all state employers.

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State	Discrimination	Leave	Benefits	Other	Covered employers
SC	<p>On June 25, 2020, South Carolina Governor Henry McMaster signed the South Carolina Lactation Support Act (the Act) into law. The Act requires covered employers to provide employees with reasonable unpaid break time, or paid break time or mealtime, each day to express breast milk. “Covered employers” include any person or entity that employs one or more employees, including the state government and its political subdivisions (see A141, R146, H3200).</p> <p>The Act went into effect on June 25, 2020. Employers must then comply with the Act by August 24, 2020.</p> <p>Under the Act, employers are required to make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area for an employee to express milk in privacy. However, the Act does not require an employer to construct a permanent, dedicated space for expressing milk.</p> <p>There is also an exception under the Act that an employer is not required to provide break time if it would create an undue hardship on the operations of the employer. South Carolina also prohibits employment practices that discriminate on the basis of sex, which includes discrimination based on pregnancy or any medical condition related to pregnancy or childbirth. It also prohibits covered employers from failing</p>	<p>Employers are required to provide the same leave benefits to women disabled by pregnancy as are provided to other employees with temporary disabilities. Employers can provide leave for employees with temporary disabilities, including pregnancy disability, with or without pay, or not provide it at all, as long as all employees are treated the same in their requests for temporary disability leave.</p> <p>Additionally, leave may be a form of reasonable accommodation; however, employers may not require an employee to take leave for pregnancy or a related condition if an alternative accommodation would allow her to perform the essential functions of her position. <i>Citation: S.C. Code Ann. § 1-13-80.</i></p>	<p>Women affected by pregnancy, childbirth, or related medical conditions must be treated the same for all employment purposes, including coverage under employee benefits, as other employees who are temporarily disabled but similar in their ability to work. A woman may breastfeed her child in any location where the mother and her child are authorized to be. Accommodations for lactating mothers may be required unless they would pose undue hardship for the employer. <i>Citations: S.C. Code Ann. §§ 1-13-80 and 63-5-40.</i></p>	<p>Employers are not required to pay for health insurance benefits for abortion except where the mother’s life would be endangered if the fetus were carried to term or where medical complications have arisen from the abortion. <i>Citation: S.C. Code Ann. § 1-13-80.</i></p>	<p>All employers with 15 or more employees.</p>

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State	Discrimination	Leave	Benefits	Other	Covered employers
	<p>or refusing to provide reasonable accommodation to needs related to pregnancy, childbirth, or related conditions unless the accommodation would create undue hardship for the employer. Accommodations may include, but are not limited to, flexible scheduling, additional breaks, job and equipment modifications, and temporary reassignment.</p> <p><i>Citations:</i> A141, R146, and H3200; S.C. Code Ann. § 1-13-80.</p>				
SD	<p>Prohibits employment practices that discriminate on the basis of sex, including pregnancy, childbirth, and related medical conditions.</p> <p><i>Citations:</i> SDCL § 20-13-1 et seq. and SD Admin. Rules § 20:03:09:12.</p>	<p>Employers must treat pregnancy-related conditions the same as they treat other types of temporary disabilities for all employment-related purposes, including the commencement and duration of a leave of absence, the availability of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement. No employer shall provide for childcare leave which discriminates on the basis of sex.</p> <p><i>Citations:</i> SDCL § 20-13-1 et seq. and SD Admin. Rules § 20:03:09:12.</p>	<p>Written or unwritten employment policies or practices that differentiate between pregnancy and childbirth and other temporary disabilities are prohibited.</p> <p><i>Citations:</i> SDCL § 20-13-1 et seq. and SD Admin. Rules § 20:03:09:12.</p>		<p>All employers, regardless of size, as well as labor organizations and employment agencies.</p>

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State	Discrimination	Leave	Benefits	Other	Covered employers
TN	Prohibits discrimination in employment because of sex. The law has been interpreted to be coextensive with federal discrimination law. <i>Citations:</i> Tenn. Code Ann. §§ 4-21-101 et seq. and 68-58-101.	Private sector: Employees (both male and female) are entitled to up to four months of (unpaid) leave relating to adoption or birth of the employee's child, with job protection, if they have been employed by the same employer for at least 12 consecutive months as a full-time employee. Public sector: Maternity leave is a combination of sick, annual, or special leave without pay for a period not to exceed four months following the birth of a child. State-government employees may use up to 30 days of accumulated sick leave for the birth or adoption of a child. Maternity leave begins the day the child is born. In the event that both parents are state employees, the aggregate sick leave used by both cannot exceed 30 days. <i>Citations: Private sector:</i> Tenn. Code Ann. § 4-21-408. Public sector: Tenn. Code Ann. §§ 8-50-802, 806; Rules of the Tenn. Dep't of Personnel 1120-6-.20, .21.	Requires employers to treat employees who are affected by pregnancy the same as employees with a temporary disability for all insurance, employee benefit, and disability purposes. <i>Citation:</i> Tenn. Code Ann. § 4-21-101 et seq.		For discrimination law, private employers of 8 or more persons and all state employers. For leave law, all employers with 100 or more employees at the job site. <i>Citations:</i> Tenn. Code Ann. §§ 4-21-101(5), 408.
TX	Same as federal law.	Same as federal law.	Same as federal law.	Same as federal law.	All employers with 15 or more employees.
UT	Prohibits employment practices that discriminate on the basis of sex, pregnancy, childbirth, or pregnancy-related conditions. <i>Citation:</i> Utah Code § 34A-5-106.	For all employment-related purposes, employers must treat pregnancy and related medical conditions the same as employees with temporary disabilities are treated. <i>Citation:</i> Utah Code § 34A-5-106.			All employers with 15 or more employees. <i>Citation:</i> Utah Code § 34A-5-102.

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State	Discrimination	Leave	Benefits	Other	Covered employers
VT	Prohibits employment discrimination on the basis of sex and sexual orientation, unless a bona fide occupational qualification (BFOQ) exception applies. Pregnancy and related medical conditions are sometimes included in the definition of sex. <i>Citations: 21 V.S.A. §§ 495, 305; Lavalley v. E.B. & A.C. Whiting Co., 166 Vt 205, 210-12, 692 A.2d 367, 370-71 (1997).</i>	Employers must offer the same time off to female employees affected by pregnancy and related medical conditions as is offered to employees who are temporarily disabled. In addition, state law prohibits employers from failing to provide a reasonable accommodation for an employee's pregnancy-related condition unless the accommodation would impose undue hardship. Flexible scheduling and additional leave may be examples of reasonable accommodation. <i>Citations: 21 V.S.A. § 495; Lavalley v. E.B. & A.C. Whiting Co., 166 Vt. 205, 210-12, 692 A.2d 367, 370-71 (1997).</i>	Policies that discriminate against women who are pregnant, have given birth, or have a related medical condition are sometimes linked to discrimination based on sex. <i>Citations: 21 V.S.A. § 495; Lavalley v. E.B. & A.C. Whiting Co., 166 Vt 205, 210-12, 692 A.2d 367, 370-71 (1997).</i>		All employers, labor organizations, and employment agencies.

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VA	<p>Prohibits employment practices that discriminate on the basis of sex, childbirth or related medical conditions, disability leave, activities relating to lactation, including breastfeeding and expression of milk by a mother for her child.</p> <p>The Virginia Values Act (VVA), which amends the Virginia Human Rights Act and becomes effective July 1, 2020, prohibits unlawful discrimination in the workplace based on pregnancy and pregnancy-related conditions, including nursing. It applies to all Virginia employers with 5 or more employees. The VVA includes a requirement that employers engage in the interactive process, much like the interactive process under the ADA, to determine if an accommodation is reasonable and, if it is not, to discuss alternative accommodations. Reasonable accommodations are specifically noted in the Act.</p> <p>The VVA also creates a private cause of action prohibiting broader discrimination related to pregnancy and pregnancy-related conditions. <i>Citations:</i> VA Code § 2.2-390; House Bill 827 (Va. Code Ann. § 2.2-3904(A).</p>	<p>Employers must provide the same leave benefits to women disabled by pregnancy that are provided to other employees with temporary disabilities. Employers can provide leave for employees with temporary disabilities, including pregnancy disability, with or without pay, or not provide it at all, as long as all employees are treated the same in their requests for temporary disability leave. <i>Citation:</i> VA Code § 2.2-390.</p>			<p>Employers employing more than 5 but less than 15 employees. <i>Citation:</i> VA Code § 2.2-3903(B).</p> <p>Virginia Values Act: Employers with 5 or more employees. <i>Citation:</i> House Bill 827 (Va. Code Ann. § 2.2-3904(A).</p>

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State	Discrimination	Leave	Benefits	Other	Covered employers
WA	<p>Prohibits discriminating in employment on the basis of sex. Discrimination against an employee or an applicant for employment because of pregnancy is a form of sex discrimination. <i>Citations:</i> Wash. Rev. Code § 49.60.010 et seq. and Wash. Admin. Code § 162-30-020.</p> <p>The state antidiscrimination statute protects a mother's right to breastfeed her child in any place of "public resort, accommodation, assemblage, or amusement" and makes it unlawful to discriminate against a woman based on her status as a mother breastfeeding her child. <i>Citation:</i> Wash. Rev. Code § 49.60.030.</p>	<p>Employers must grant a "leave of absence" for the period of time a woman is temporarily disabled because of pregnancy or childbirth, even if they do not offer the same leave for other temporary disabilities. This leave is in addition to the family leave entitlement under the Washington Family Leave Act (WFLA). <i>Citations:</i> Wash. Rev. Code § 49.60.010 et seq. and Wash. Admin. Code § 162-30-020.</p>	<p>Employers are required to treat women affected by pregnancy and its related conditions (deliveries, miscarriages, abortions, etc.) in the same manner as they would any other employee with a temporary disability for insurance and other employee benefit purposes. Employers may not discharge or refuse to hire a woman because she is pregnant or may become pregnant in the future. <i>Citations:</i> Wash. Rev. Code § 49.60.010 et seq. and Wash. Admin. Code § 162-30-020.</p>	<p>Disability leave for pregnancy is limited to what is medically necessary to address any disability due to pregnancy or childbirth based on the employee's individual condition. Although the amount of disability leave is not set in any law or regulation, six to eight weeks is commonly recommended by healthcare providers for childbirth without complications. <i>Citations:</i> Wash. Rev. Code § 49.60.010 et seq. and Wash. Admin. Code § 162-30-020.</p> <p>Employers must make reasonable pregnancy accommodations, which include:</p> <ul style="list-style-type: none"> • Providing more frequent, longer, or flexible restroom breaks; • Modifying a no food or drink policy; • Job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or 	<p>All employers with 8 or more employees.</p>

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				modifying equipment, devices, or an employee's work station; <ul style="list-style-type: none"> • Providing seating or allowing the employee to sit more frequently if her job requires her to stand; • Providing for a temporary transfer to a less strenuous or less hazardous position; • Providing assistance with manual labor and limits on lifting; • Scheduling flexibility for prenatal visits; and • Providing reasonable break time for an employee 	

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				<p>to express breast milk for two years after the child's birth each time the employee has need to express the milk and providing a private location, other than a bathroom, if such a location exists at the place of business or worksite, which may be used by the employee to express breast milk.</p> <p><i>Citation: Wash. Rev. Code § 43.10.005</i></p>	

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State	Discrimination	Leave	Benefits	Other	Covered employers
WV	The Pregnant Workplace Fairness Act (PWFA) forbids discrimination in hiring. <i>Citation: W. Va. Code § 5-11B-1 et seq.</i>			Under the Pregnant Workplace Fairness Act (PWFA), which amends the West Virginia Human Rights Act, employers have an obligation to make reasonable accommodations to a job applicant's or employee's known limitations involving pregnancy, childbirth, or related medical conditions unless they would result in an undue hardship on the operation of the business. The applicant or employee must provide written documentation from a healthcare provider that specifies her limitations and suggests accommodations to address them. Employers cannot require a pregnant employee to take leave under any leave law or policy if another reasonable accommodation can be provided, require a pregnant employee or applicant to accept an accommodation that she doesn't want to accept, or deny employment or job opportunities to the applicant or employee by refusing to make a reasonable accommodation. <i>Citation: W. Va. Code § 5-11B-1 et seq.</i>	Private employers with 12 or more employees and all state and local government agencies, regardless of size.

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State	Discrimination	Leave	Benefits	Other	Covered employers
WI	The Wisconsin Fair Employment Act (WFEA) prohibits employment practices that discriminate on the basis of pregnancy, childbirth, maternity leave, or related medical conditions. <i>Citations: Wis. Stat. §§ 111.321 and 111.36.</i>	Pregnant employees must be treated the same as employees with other types of temporary disabilities. For employers with 50 or more employees, the Wisconsin Family Medical Leave Act (WFMLA) grants eligible employees two weeks of unpaid leave in a 12-month period for their own serious health conditions, possibly including pregnancy. Under WFMLA, employees may choose to take their leave as paid, by substituting accrued, paid leave, or unpaid. <i>Citations: Wis. Stat. §§ 103.10, 111.321, and 111.36.</i>	Employers are required to treat pregnancy, childbirth, and related medical conditions the same as they would treat any other temporary disability for all employment and benefits purposes. <i>Citations: Wis. Stat. §§ 111.321 and 111.36.</i>		The WFEA applies to all private employers employing at least 1 individual and all public employers, regardless of size.
WY	Prohibits employment practices that discriminate on the basis of sex and pregnancy. Discrimination based on sex includes pregnancy, childbirth, and related medical conditions. <i>Citation: Wyo. Stat. § 27-9-105.</i>	Employers must treat pregnancy-related conditions the same as they treat other types of temporary disabilities for all employment-related purposes, including leave and other benefits. <i>Citation: Wyo. Stat. § 27-9-105.</i>			All private employers with 2 or more employees, public employers, unions, and employment agencies.