

Employers: Do You Comply with New Pregnancy Law?

By Jessica Summers

The October 1 deadline for Maryland employers to comply with the state's new Reasonable Accommodations for Disabilities Due to Pregnancy Act (the "Act") is here. All Maryland employers with 15 or more employees should promptly take steps to comply with the new law.

As the name suggests, the Act (available [here](#)) requires Maryland employers to reasonably accommodate employees who experience disabilities caused or contributed to by pregnancy. These rights are in addition to any rights that the employee might have under the Federal Medical Leave Act (FMLA) and/or the Americans with Disabilities Act (ADA).

The Act specifies that pregnancy-related disabilities must be treated as temporary disabilities for all job-related purposes. As such, any written or unwritten policies that the employer applies to other temporarily disabled employees must be equally applied to employees with pregnancy-related disabilities.

If an employee requests a reasonable accommodation, the employer is required to "explore with the employee all possible means of providing the reasonable accommodation." Depending on the specific circumstances, the Act states that a reasonable accommodation may include (1) changing the employee's job duties or work hours, (2) relocating the employee's work area, (3) providing mechanical or electrical aids, (4) transferring the employee to a less strenuous or hazardous position or (5) providing leave. An employer is not required to provide an accommodation that would impose an undue hardship on the employer.

The Act requires that employers (1) post a notice in a conspicuous location informing employees of their rights under the Act and (2) include this information in the employee handbook. To date, the Maryland Department of Labor, Licensing, and Regulation has given no indication that it will be issuing a standard notice for employers to use to comply with the Act. We are happy to work with any employers who need assistance preparing the new notice or handbook language.