

HB1438_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance, & Environment.

HB16-1438 be amended as follows:

1 Amend printed bill, page 4, strike lines 2 and 3 and substitute "EMPLOYEE
2 HAS NOT REQUESTED OR AN ACCOMMODATION THAT IS".

3 Page 4, line 14, strike "THE EMPLOYER" and substitute "IF AN APPLICANT
4 OR AN EMPLOYEE REQUESTS AN ACCOMMODATION, THE EMPLOYER AND
5 APPLICANT OR EMPLOYEE".

6 Page 4, line 15, strike "WITH THE EMPLOYEE".

7 Page 4, line 16, before "EMPLOYEE" insert "APPLICANT OR".

8 Page 5, strike line 20 and substitute:

9 "(III) CREATE A NEW POSITION, INCLUDING A LIGHT DUTY POSITION
10 FOR THE EMPLOYEE, UNLESS A LIGHT DUTY POSITION WOULD BE PROVIDED
11 FOR ANOTHER EQUIVALENT EMPLOYEE; OR".

12 Page 6, line 13, strike "PARAGRAPH (b) OF".

13 Page 6, line 15, after "(6)", insert "(a)".

14 Page 6, after line 17 insert:

15 "(b) THIS SECTION NEITHER INCREASES NOR DECREASES AN
16 EMPLOYEE'S RIGHTS, UNDER ANY OTHER LAW, TO PAID OR UNPAID LEAVE
17 IN CONNECTION WITH THE EMPLOYEE'S PREGNANCY.

18 (7) NOTWITHSTANDING SECTION 24-34-405, A COURT SHALL NOT
19 AWARD PUNITIVE DAMAGES IN A CIVIL ACTION INVOLVING A CLAIM OF
20 FAILURE TO MAKE A REASONABLE ACCOMMODATION FOR AN EMPLOYEE
21 FOR CONDITIONS RELATED TO PREGNANCY OR THE PHYSICAL RECOVERY
22 FROM CHILDBIRTH IF THE DEFENDANT DEMONSTRATES GOOD-FAITH
23 EFFORTS TO IDENTIFY AND MAKE A REASONABLE ACCOMMODATION THAT
24 WOULD PROVIDE AN EMPLOYEE WHO HAS A HEALTH CONDITION RELATED
25 TO PREGNANCY OR THE PHYSICAL RECOVERY FROM CHILDBIRTH WITH AN
26 EQUALLY EFFECTIVE OPPORTUNITY AND WOULD NOT CAUSE AN UNDUE
27 HARDSHIP ON THE OPERATION OF THE DEFENDANT'S BUSINESS."

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