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## OUR INSIGHTS

### Utah Has a Bun in the Oven: Pregnancy Bill Awaits Governor's Approval

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The Utah State Legislature recently passed [S.B. 59](#), a bill that would amend the Utah Antidiscrimination Act to require employers with 15 or more Utah employees to provide reasonable accommodation for pregnancy, childbirth, breastfeeding, or related conditions. The bill is currently awaiting the Governor's approval.

Under the law, a qualifying Utah employer would not be allowed to refuse to provide a requested accommodation, discharge an employee, or deny employment opportunities to an employee because of pregnancy, childbirth, breastfeeding, or a related condition, unless the employer demonstrates that providing the accommodation would create an undue hardship on the employer's operations. An "undue hardship" is defined as an action that would require "significant difficulty or expense when considered in relation to the size of the entity, the entity's financial resources, and the nature, and structure of the entity's operations."

In determining the need for an accommodation, an employer may require an employee to obtain a medical certificate from his or her healthcare provider that includes the date the accommodation becomes necessary, the probable duration of the accommodation, and an explanatory statement as to the medical condition. However, an employer may not require an employee to obtain a certificate for an accommodation of more frequent restroom, food, or water breaks. The measure means that an employer is not required to permit an employee to have his or her child at the workplace while accommodating pregnancy, childbirth, breastfeeding, or related conditions.

To comply with the new law, employers would be required to include written notice concerning employee rights to reasonable accommodations for pregnancy, childbirth, breastfeeding, or related conditions in the company's employee handbook or to post such notice in a conspicuous place in the employer's business.

If enacted, S.B. 59 would be an important change to existing Utah law. If you have employees, you may want to review your policies to ensure compliance should the new law go into effect.

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**James M. Barrett (Portland)**



James Barrett represents private and public employers in all aspects of employment-related disputes. He has defended clients against single plaintiff and class action lawsuits involving claims relating to wage and hour disputes, drug testing, whistleblowing, discrimination, and retaliation. He has also successfully obtained injunctive relief to enforce non-competition agreements against a client's former employees. Prior to joining Ogletree, James was a partner at Ater Wynne LLP in Portland,...

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