

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 26, 2016

Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

HB16-1438 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 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:

1 "(b) THIS SECTION NEITHER INCREASES NOR DECREASES AN
2 EMPLOYEE'S RIGHTS, UNDER ANY OTHER LAW, TO PAID OR UNPAID LEAVE
3 IN CONNECTION WITH THE EMPLOYEE'S PREGNANCY.
4 (7) NOTWITHSTANDING SECTION 24-34-405, A COURT SHALL NOT
5 AWARD PUNITIVE DAMAGES IN A CIVIL ACTION INVOLVING A CLAIM OF
6 FAILURE TO MAKE A REASONABLE ACCOMMODATION FOR AN EMPLOYEE
7 FOR CONDITIONS RELATED TO PREGNANCY OR THE PHYSICAL RECOVERY
8 FROM CHILDBIRTH IF THE DEFENDANT DEMONSTRATES GOOD-FAITH
9 EFFORTS TO IDENTIFY AND MAKE A REASONABLE ACCOMMODATION THAT
10 WOULD PROVIDE AN EMPLOYEE WHO HAS A HEALTH CONDITION RELATED
11 TO PREGNANCY OR THE PHYSICAL RECOVERY FROM CHILDBIRTH WITH AN
12 EQUALLY EFFECTIVE OPPORTUNITY AND WOULD NOT CAUSE AN UNDUE
13 HARDSHIP ON THE OPERATION OF THE DEFENDANT'S BUSINESS."

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