



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 301 of the 131st G.A.

Date: May 3, 2016

Status: As Introduced

Sponsor: Sens. Jones and Cafaro

Local Impact Statement Procedure Required: No

Contents: Requires employers to make reasonable accommodations for employees who are pregnant or breastfeeding

State Fiscal Highlights

- State employers presumably provide pregnant or breastfeeding employees with the accommodations specified in the bill. Consequently, there would be no direct fiscal effect on the state as a result of the provisions in the bill.

Local Fiscal Highlights

- The bill has no apparent direct fiscal effect on political subdivision employers. Also, there is unlikely to be a significant additional number of civil cases arising from the provisions in the bill.

Detailed Fiscal Analysis

The bill generally requires employers, including public employers, to provide reasonable accommodations for employees who are pregnant or breastfeeding. Under the bill, reasonable accommodation includes more frequent or longer breaks; acquisition or modification of equipment, seating, or uniforms; assistance with manual labor; light duty; modified work schedules; or temporary transfer to a less strenuous or hazardous position. Reasonable accommodation would also include break time and a private, nonbathroom space to express breast milk. The bill does not require employers to provide accommodations if in so doing the employer would experience an "undue hardship" because the accommodation would be significantly difficult or expensive to provide.

The bill also prohibits an employer from other discriminatory practices based on an employee's pregnancy. This includes (1) requiring an employee affected by pregnancy to accept an accommodation that the employee chooses not to accept, or (2) requiring an employee to take leave, or taking other adverse actions against the employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation related to the pregnancy. Under the bill, an employee that believes that an employer violated any of the bill's provisions could bring a civil action against the employer in a court of competent jurisdiction.

Ohio's existing Civil Rights Law and the Federal Fair Labor Standards Act already establish employment protections for pregnant and nursing employees, including a requirement to provide reasonable accommodations. Because of this, it is not expected that public employers would need to change current policies or practices for providing accommodations to pregnant or nursing employees. Thus, the bill would appear to have little to no potential fiscal effect on the state or its political subdivisions. Additionally, because civil action remedies already exist under applicable state or federal laws, the bill would not likely generate any appreciable volume of cases to be brought before the courts.