

Employers Must Provide Pregnancy-Related Accommodations under New York City Law

By Joseph J. Lynett and Richard I. Greenberg

October 10, 2013

Legislation requiring most New York City employers to provide reasonable accommodation for an employee's pregnancy, childbirth or related medical conditions will take effect on January 30, 2014. New York City joins a growing number of jurisdictions, including California and Maryland, mandating some form of accommodation to pregnant employees. These state and local requirements must be satisfied in addition to any accommodations required under federal laws such as the Americans with Disabilities Act (ADA) and the Pregnancy Discrimination Act (PDA).

Mayor Michael Bloomberg signed the measure, which the City Council passed by a 47-0 vote, on October 2, 2013. The law takes effect 120 days after the Mayor's signing.

Employers with at least four employees are subject to the New York City law, which provides examples of reasonable accommodation, including bathroom breaks, leave for a period of disability arising from childbirth, breaks to facilitate water intake, periodic rest for those who stand for long periods of time and assistance with manual labor, among other things.

Employers are not required to provide accommodations that cause them undue hardship (i.e., significant operational difficulty and/or expense), but employers have the burden of proving the undue hardship. An employee who believes her employer has refused to provide reasonable accommodation for her pregnancy, childbirth or related medical condition can file a complaint with the New York City Commission on Human Rights (NYCCHR) or bring a lawsuit in court seeking damages, including uncapped punitive damages. The rights granted to pregnant employees under the new law add to existing rights under federal, state and city fair employment practice laws barring sex and pregnancy discrimination.

Covered employers are required to provide written notice to new and existing employees of their right to be free from discrimination due to pregnancy, childbirth and related medical conditions in a form and manner determined by the NYCCHR.

Employers should consider taking the following actions in preparation for the new law:

- Review with counsel their policies on reasonable accommodation;
- Review their policies, practices or contractual agreements with respect to alternative work arrangements or restricted/light duty programs; and
- Train managers and supervisors on procedures for responding to accommodation requests from pregnant employees.

If you have any questions about this or other workplace development, please contact the Jackson Lewis attorney with whom you regularly work.

©2013 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect

Meet the Authors



[Joseph J. Lynett](#)

Principal
New York Metro
White Plains 914-872-6888
Email



[Richard I. Greenberg](#)

Principal
New York Metro
New York City 212-545-4080
Email

Practices

Disability, Leave and Health Management

for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

©2021 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.