

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB627

Hearing Date: Monday February 09, 2015
Committee On: Business and Labor
Introducer: Mello
One Liner: Change provisions relating to pregnancy under the Nebraska Fair Employment Practice Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Harr, Chambers, Ebke, Crawford, Johnson, McCollister
Nay:
Absent:
Present Not Voting: 1 Senator Bloomfield

Verbal Testimony:

Proponents:

Senator Heath Mello
Libby Crockett
Rodney D. Vlcek
Aubrey Mancuso
Danielle Conrad

Representing:

Introducer
Nebraska Medical Association
Nebraska State AFL-CIO
Voices for Children in Nebraska
ACLU of Nebraska

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Sec. 1. Definitional section. LB 627 creates two categories of the definition for "Reasonable accommodation." One is with respect to a disability currently in statute, and the other is with respect to pregnancy.

Sec. 2. Creates a separate category of discrimination against an individual who is pregnant. Discrimination against a qualified individual and discrimination against a pregnant individual outline identical unlawful employment practices.

Sec. 3. Creates instances of discrimination against pregnant individuals. The new language in LB 627 reiterates the language currently in statute 48-1107.02 which outlines incidents of discrimination against qualified individuals. In addition to the instances of discrimination listed against qualified individuals, LB 627 also creates new incidents of discrimination against pregnant individuals to include requiring the pregnant individual to accept an accommodation they choose not to accept, requiring the pregnant individual to take leave if another reasonable accommodation can be provided, and taking adverse action against the employee for requesting a reasonable accommodation.

Sec. 4. Qualifies that women affected by pregnancy, childbirth, or related conditions will be treated the same subject to other provisions in the Nebraska Fair Employment Practice Act.

Sec. 5. Requires the Equal Opportunity Commission to report to the Legislature and Governor the number of complaints filed alleging discrimination against a pregnant individual and the resolution of such complaints.

Explanation of amendments:

AM 232 amends LB 627 to refer to "pregnancy, childbirth, or a related medical condition" rather than "pregnancy" and to an "individual affected by pregnancy, childbirth, or a related medical condition" rather than to a "pregnant individual." The purpose of AM 232 is to clarify that the bill's protections reach individuals who seek accommodation because of conditions or complications arising out of or intrinsically related to pregnancy, in addition to those who see accommodation out of medical needs arising from pregnancy itself.

Burke Harr, Chairperson