

307 occupational qualification for employment, a notice or advertisement described in Subsection
 308 (1)(f)(i)(D) may indicate a preference, limitation, specification, or discrimination based on:

- 309 (A) race;
- 310 (B) color;
- 311 (C) religion;
- 312 (D) sex;
- 313 (E) pregnancy, childbirth, or pregnancy-related conditions;
- 314 (F) age;
- 315 (G) national origin;
- 316 (H) disability;
- 317 (I) sexual orientation; or
- 318 (J) gender identity.

319 (g) Subject to Subsection (7), an employer may not:

320 (i) refuse to provide reasonable accommodations for an employee for the known
 321 limitations related to pregnancy, childbirth, breastfeeding, or related conditions:

322 (A) if the employee requests ~~§~~→ [the] a ←~~§~~ reasonable accommodation; and

323 (B) unless the employer demonstrates that the accommodation would create an undue
 324 hardship on the operations of the employer;

325 (ii) require an employee to terminate employment if another reasonable
 326 accommodation can be provided to the known limitations related to the employee's pregnancy,
 327 childbirth, breastfeeding, or related conditions unless the employer demonstrates that the
 328 accommodation would create an undue hardship on the operations of the employer; or

329 (iii) deny employment opportunities to an employee, if the denial is based on the need
 330 of the employer to make reasonable accommodations to the known limitations related to the
 331 pregnancy, childbirth, breastfeeding, or related conditions of ~~§~~→ [a job applicant or] an ←~~§~~
 331a employee unless

332 the employer demonstrates that the accommodation would create an undue hardship on the
 333 operations of the employer.

334 (2) Subsections (1)(a) through (1)(~~f~~)(g) may not be construed to prevent:

335 (a) the termination of employment of an individual who, with or without reasonable
 336 accommodation, is physically, mentally, or emotionally unable to perform the duties required
 337 by that individual's employment;

400 retirement, is employed in a bona fide executive or a high policymaking position, if:

401 (a) that employee is entitled to an immediate nonforfeitable annual retirement benefit
402 from the employee's employer's pension, profit-sharing, savings, or deferred compensation
403 plan, or any combination of those plans; and

404 (b) the benefit described in Subsection (6)(a) equals, in the aggregate, at least \$44,000.

405 (7) (a) For purposes of Subsection (1)(g), an employer may require an employee to
406 provide a certification from the employee's health care provider concerning the medical
407 advisability of a reasonable accommodation.

408 (b) A certification under Subsection (7)(a) shall include:

409 (i) the date the reasonable accommodation becomes medically advisable;

410 (ii) the probable duration of the reasonable accommodation; and

411 (iii) an explanatory statement as to the medical advisability of the reasonable
412 accommodation.

413 (c) Notwithstanding Subsections (1)(g) and (7)(a), an employer may not require an
414 employee to obtain a certification from the employee's health care provider, nor may an
415 employer claim undue hardship, for the following accommodations ~~§~~→ **for the known limitations**
415a **related to pregnancy, childbirth, or related conditions** ←~~§~~ :

416 (i) more frequent restroom, food, ~~§~~→ **[and]** or ←~~§~~ water breaks; or

417 (ii) limits on lifting over 20 pounds.

418 (d) An employer shall include in an employee handbook, or post in a conspicuous place
419 in the employer's place of business, written notice concerning an employee's rights to
420 reasonable accommodation for a known limitation related to pregnancy, childbirth,
421 breastfeeding, or related conditions.

Legislative Review Note
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