

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 216**

BY SENATOR MAYNARD

[Introduced January 13, 2016; Referred to the  
Committee on the Judiciary.]

1 A BILL to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as  
2 amended, relating to authorizing the Human Rights Commission to promulgate a  
3 legislative rule relating to the Pregnant Workers' Fairness Act.

*Be it enacted by the Legislature of West Virginia:*

1 That article 5, chapter 64 of the Code of West Virginia, 1931, as amended, be amended  
2 and reenacted to read as follows:

**ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

**§64-5-1. Human Rights Commission .**

1 The legislative rule filed in the State Register on July 31, 2015, authorized under the  
2 authority of section four, article eleven-b, chapter five, of this code, modified by the Human Rights  
3 Commission to meet the objections of the Legislative Rule-making Review Committee and refiled  
4 in the State Register on December 8, 2015, relating to the Human Rights Commission (Pregnant  
5 Workers' Fairness Act, 77 CSR 10), is authorized with the amendments set forth below:

6 On page 2, Subsection 2.4, following the word "miscarriage" and the comma, by  
7 striking the words "pregnancy termination,";

8 On page 2, Subsection 2.4, following the word "depression" and the comma, by  
9 striking the word "fertility";

10 On page 2, Subsection 2.4, following the word "lactation", by changing the  
11 period to a colon and inserting the following proviso: "Provided, That an elective abortion  
12 shall not be considered a related medical condition.";

13 On page 2, Subdivision 3.1.2, by striking out all of subdivision 3.1.2 and  
14 inserting in lieu thereof the following:

15 "3.1.2. The employee or job applicant must request the accommodation, and

16 deliver to the employer documentation from the employee/applicant's licensed health care  
17 provider that delineates the employee or applicant's limitations and suggesting what  
18 accommodation(s) would address those limitations for the purpose of asserting a claim  
19 pursuant to the PWFA.”;

20                   On page 3, Subdivision 5.1.1, by striking out all of subdivision 5.1.1.

NOTE: The purpose of this bill is to authorize the Human Rights Commission to promulgate a legislative rule relating to the Pregnant Workers' Fairness Act.

This section is new; therefore, strike-throughs and underscoring have been omitted.