



BALTIMORE CITY COUNCIL LABOR & WORKFORCE COMMITTEE

Mission Statement

*On behalf of the Citizens of Baltimore City, the mission of the **Labor and Workforce Committee** is committed to strengthening Baltimore's workforce by championing fair labor practices, equitable job opportunities, and economic mobility for all residents. The committee prioritizes policies that ensure safe and dignified working conditions, uphold workers' rights, and expand access to career pathways through job training and education.*

**The Honorable
Jermaine Jones
CHAIR**

PUBLIC HEARING

10/22/2025

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

Bill:25-0051

***Title: Labor and Employment – Pregnancy
Accommodations***

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Meeting: Legislative Oversight Hearing
Committee: Labor & Workforce
Bill # 25-0051

Title: Labor and Employment – Pregnancy Accommodations

Purpose: For the purpose of requiring reasonable accommodations in the workplace for certain employees upon request; protecting employees from adverse actions related to pregnancy, recovery from childbirth, or a related condition; forbidding denial of employment opportunities based on certain circumstances; establishing penalties for violations of required accommodations; defining certain terms; and generally relating to protecting the rights of employees who are pregnant or recovering from childbirth or a related condition.

REPORTING AGENCIES

Agency	Report
Law Department	Approved for Form and Legal Sufficiency
Department of Finance	Does Not Oppose
Mayor’s Office of Equity and Civil Rights	Not Received
Department of Health	Favorable
Department of Human Resource	Not Received

BACKGROUND

Council Bill 25-0051, would require employers in Baltimore City with two or more employees to provide reasonable workplace accommodations for individuals who are pregnant, recovering from pregnancy, or have a related condition. The legislation prohibits adverse employment actions or denial of opportunities based on the need for accommodation and authorizes the Baltimore Community Relations Commission to administer and enforce these requirements.

The bill expands upon federal protections under the Pregnant Workers Fairness Act (PWFA) and the Family and Medical Leave Act (FMLA) by applying to smaller employers and establishing more prescriptive requirements, including a five-day response timeline for accommodation requests, written denial requirements, and local enforcement and recordkeeping obligations. These provisions are intended to strengthen employment stability and protect pregnant and post-partum workers from discrimination.

Baltimore City is already subject to the federal Pregnant Workers Fairness Act, and this legislation builds on existing compliance by formalizing local standards and notice requirements. The Baltimore City Health Department (BCHD) notes that employment accommodations during and after pregnancy support economic stability and maternal health, both of which are key social determinants of health. BCHD supports policies that allow pregnant and post-partum employees to continue performing their job duties safely and without disruption.

Federal and state laws already provide foundational protections for pregnant workers, including the Pregnant Workers Fairness Act (PWFA), Family and Medical Leave Act (FMLA), Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act (ADA), and Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act. Maryland law also requires employers to explore reasonable accommodations when requested by a pregnant employee (Md. Code, State Gov't § 20-609). These laws collectively ensure that pregnant workers are protected from discrimination and that employers provide reasonable accommodations unless such accommodations create an undue hardship.

Council Bill 25-0051 would extend these protections locally by lowering the employer threshold from 15 employees (under federal law) to two full-time employees and by creating an explicit local enforcement mechanism through the Baltimore Community Relations Commission. The Law Department has noted that the City has clear authority to legislate in this area so long as the ordinance does not conflict with existing federal or state law. The Pregnant Workers Fairness Act expressly allows state and local governments to provide “greater or equal protection” to individuals affected by pregnancy or related conditions.

Other major jurisdictions, including New York City and the District of Columbia, have enacted similar local laws requiring employers to provide reasonable accommodations for pregnancy-related conditions unless doing so would cause undue hardship. These local models demonstrate how city-level policies can complement federal law, promote workplace equity, and improve health outcomes for working parents. Council Bill 25-0051 aligns with these best practices, ensuring consistent protection and enforcement at the local level.

Bill Summary

This bill establishes requirements for employers in Baltimore City to provide reasonable accommodations for employees and applicants who are pregnant, recovering from pregnancy, or experiencing a related condition. It defines key terms, outlines employer responsibilities, and details enforcement and penalty provisions.

Key Definitions

- Employee: Any individual working for an employer in Baltimore City, excluding volunteers and individuals employed by a parent, spouse, or child.
- Employer: Any person or entity engaged in business in Baltimore City with two or more full-time employees; excludes federal and state governments.
- Eligible Individual: An employee or applicant who is pregnant, recovering from pregnancy (including miscarriage or stillbirth), or has a related condition.
- Reasonable Accommodation: Adjustments or allowances that ease the work environment for an eligible individual, such as modified schedules, additional breaks, light duty, or assistance with manual labor.
- Undue Hardship: A requested accommodation that would create significant difficulty or expense for an employer.

Major Provisions

- Employers must provide reasonable accommodations to enable an eligible individual to perform essential job functions, unless doing so causes undue hardship.
- Employers and eligible individuals must engage in a timely, good-faith discussion to determine appropriate accommodations.
- Employers may require a note from a licensed healthcare provider before providing an accommodation.
- Employers may apply to the Baltimore Community Relations Commission (BCRC) for a waiver if compliance would cause undue hardship.

Prohibited Employer Actions

- Take adverse action against an individual who requests or uses an accommodation.
- Deny employment opportunities based on the need for accommodation.
- Require an employee to take leave if another reasonable accommodation is available.
- Impose an accommodation not requested or not necessary to perform job functions.

Notice and Policy Requirements

- Employers must develop and implement a written pregnancy accommodation policy that:
 - States employees' rights to request accommodations;
 - Explains the process for submitting and that the employer must respond to requests within five business days;
 - Requires written explanation for any denial; and

- Prohibits retaliation for exercising rights under the law.
- The policy must be distributed upon hiring, within 10 days of any modification, and upon request from any employee inquiring about pregnancy or parental leave.
- The policy must be included in the employer's handbook or employee policies, if such materials exist.

Recordkeeping

- Employers must maintain records of all accommodation requests, correspondence, and resolutions for at least three years.
- Failure to maintain or provide access to records creates a rebuttable presumption of violation.

Enforcement and Penalties

- Aggrieved individuals may file complaints with the Baltimore Community Relations Commission, which will investigate in accordance with City Code Article 4, Subtitle 4.
- Parties may seek review of Commission decisions in the Circuit Court for Baltimore City, with further appeal to the Appellate Court of Maryland.
- Violations are misdemeanors subject to fines up to \$500 per offense.

Applicability

Nothing in this bill affects federal or state laws concerning accommodations for pregnancy or related conditions.

Amendment

Two technical amendments have been introduced from the Law Department for clarity and consistency. Amendment No. 1 corrects a typographical error in Section 20-3 by replacing "TH" with "THE." Amendment No. 2 removes language in Section 20-4 related to the waiver or variance process for undue hardship to align with federal law and maintain consistency with the interactive accommodation process outlined under the PWFA.

ADDITIONAL INFORMATION

Fiscal Note:

The bill is not anticipated to create significant new costs for the City. Baltimore City already complies with federal pregnancy accommodation requirements under the PWFA.

Implementation responsibilities can be managed within existing resources by the Office of Equity and Civil Rights and the Department of Human Resources, which would coordinate policy updates, employee training, and compliance guidance for agencies.

No additional City funding is required, and the legislation is not expected to reduce or divert revenue from other sources.

Information Source(s): 25-0051 1st reader and agency reports.

<https://ohr.dc.gov/page/pregnantworkers>

<https://www.ny.gov/working-while-pregnant-know-your-rights/pregnancy-rights-employees-workplace>

Analysis by: Juliane Jemmott Direct Inquiries to: (410) 396 - 1268
Analysis Date:10/9/2025

CITY OF BALTIMORE
COUNCIL BILL 25-0051
(First Reader)

Introduced by: Councilmembers Gray and Porter

Cosponsored by: Councilmembers Parker, Dorsey, Conway, Torrence, Bullock, Blanchard,
Jones, Ramos, Middleton, and President Cohen

Introduced and read first time: April 7, 2024

Assigned to: Labor and Workforce Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity
and Civil Rights, Health Department, Department of Human Resources

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Labor and Employment – Pregnancy Accommodations**

3 FOR the purpose of requiring reasonable accommodations in the workplace for certain employees
4 upon request; protecting employees from adverse actions related to pregnancy, recovery from
5 childbirth, or a related condition; forbidding denial of employment opportunities based on
6 certain circumstances; establishing penalties for violations of required accommodations;
7 defining certain terms; and generally relating to protecting the rights of employees who are
8 pregnant or recovering from childbirth or a related condition.

9 BY repealing and re-ordaining, with amendments

10 Article 4 - Community Relations

11 Section 1-1(f)(3)

12 Baltimore City Code

13 (Edition 2000)

14 BY adding

15 Article 11 - Labor and Employment

16 Sections 20-1 through 20-11 and the new subtitle designation,

17 “Subtitle 20. Pregnancy Accommodations”

18 Baltimore City Code

19 (Edition 2000)

20 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
21 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Baltimore City Code

Article 4. Community Relations

Subtitle 1. Definitions; General Provisions

§ 1-1. Definitions.

(f) *Discrimination.*

(3) However, it is not discrimination for:

(i) any religious or denominational institution to devote its facilities, exclusively or primarily, to or for members of its own religion or denomination or to give preference to those members or to make any selection as is calculated by the institution to promote the religious principles for which it is established or maintained;

(ii) an employer to disqualify a person with a physical or mental disability when the nature or extent of the disability makes the person unfit or unsuited for the job;

(iii) an educational institution to restrict its student body and student activities to one sex or the other;

(iv) an educational institution to provide special educational or recreational programs for individuals with a physical or mental disability; or

(v) any person to provide:

(A) separate toilet facilities for males and females; [or]

(B) lactation accommodations [for females in accord] IN ACCORDANCE with City Code Article 11, Subtitle 16 {"Lactation Accommodation in the [Workplace"]} WORKPLACE"; OR

(C) PREGNANCY ACCOMMODATIONS IN ACCORDANCE WITH CITY CODE ARTICLE 11, SUBTITLE 20 {"PREGNANCY ACCOMMODATIONS"}.

Article 11. Labor and Employment

SUBTITLE 20. PREGNANCY ACCOMMODATIONS

§ 20-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *ADVERSE ACTION.*

“ADVERSE ACTION” MEANS AN ACTION AN EMPLOYER TAKES OR REFUSES TO TAKE IN ORDER TO RETALIATE OR DISCRIMINATE AGAINST A PERSON FOR EXERCISING A RIGHT OR ALLEGING A VIOLATION UNDER THIS SUBTITLE.

(C) *APPLICANT.*

“APPLICANT” MEANS AN INDIVIDUAL APPLYING TO WORK FOR AN EMPLOYER IN BALTIMORE CITY.

(D) *COMMISSION.*

“COMMISSION” MEANS THE BALTIMORE COMMUNITY RELATIONS COMMISSION.

(E) *ELIGIBLE INDIVIDUAL.*

“ELIGIBLE INDIVIDUAL” MEANS AN EMPLOYEE OR APPLICANT WHO IS CURRENTLY PREGNANT, IS RECOVERING FROM A PREGNANCY, INCLUDING A PREGNANCY ENDING IN STILLBIRTH OR MISCARRIAGE, OR IS RECOVERING FROM A RELATED CONDITION.

(F) *EMPLOYEE.*

(1) *IN GENERAL.*

“EMPLOYEE” MEANS ANY INDIVIDUAL WHO WORKS FOR AN EMPLOYER IN BALTIMORE CITY.

(2) *EXCLUSIONS.*

“EMPLOYEE” DOES NOT INCLUDE:

(I) AN INDIVIDUAL ENGAGED IN THE ACTIVITIES OF AN EDUCATIONAL, CHARITABLE, RELIGIOUS, OR OTHER NONPROFIT ORGANIZATION WHERE THE SERVICES RENDERED TO THAT ORGANIZATION ARE ON A VOLUNTARY BASIS OR IN RETURN FOR CHARITABLE AID CONFERRED ON THE INDIVIDUAL; OR

(II) AN INDIVIDUAL WHO IS EMPLOYED BY THE INDIVIDUAL’S PARENT, SPOUSE, OR CHILD.

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1 (G) *EMPLOYER.*

2 (1) *IN GENERAL.*

3 “EMPLOYER” MEANS ANY INDIVIDUAL OR ORGANIZATION ENGAGED IN ANY BUSINESS
4 IN THE CITY OF BALTIMORE THAT EMPLOYS 2 OR MORE FULL-TIME EMPLOYEES.

5 (2) *EXCLUSIONS.*

6 “EMPLOYER” DOES NOT INCLUDE:

7 (I) THE FEDERAL GOVERNMENT OR ANY UNIT THEREOF; OR

8 (II) THE STATE GOVERNMENT OR ANY UNIT THEREOF.

9 (H) *REASONABLE ACCOMMODATION.*

10 (1) *IN GENERAL.*

11 “REASONABLE ACCOMMODATION” MEANS ANY PRACTICE OR ALLOWANCE MEANT TO
12 EASE THE WORK ENVIRONMENT FOR AN EMPLOYEE WHO IS PREGNANT, RECOVERING
13 FROM PREGNANCY, OR HAS A RELATED CONDITION.

14 (2) *INCLUSIONS.*

15 “REASONABLE ACCOMMODATION” INCLUDES:

16 (I) OFFERING AN ELIGIBLE INDIVIDUAL MORE FREQUENT OR LONGER BREAKS;

17 (II) ACQUIRING OR MODIFYING ACCESSIBLE EQUIPMENT OR SEATING;

18 (III) TEMPORARILY TRANSFERRING AN ELIGIBLE INDIVIDUAL TO A LESS STRENUOUS
19 OR HAZARDOUS POSITION, IF AVAILABLE, WITH RETURN TO THE CURRENT
20 POSITION AFTER PREGNANCY OR RECOVERY;

21 (IV) RESTRUCTURING OF AN ELIGIBLE INDIVIDUAL’S JOB;

22 (V) ASSIGNING AN ELIGIBLE INDIVIDUAL LIGHT DUTY;

23 (VI) PROVIDING AN ELIGIBLE INDIVIDUAL WITH ASSISTANCE WITH MANUAL LABOR;
24 OR

25 (VII) ALLOWING AN ELIGIBLE INDIVIDUAL TO TAKE A MODIFIED WORK SCHEDULE.

26 (3) *EXCLUSIONS.*

27 “REASONABLE ACCOMMODATION” DOES NOT INCLUDE:

28 (I) HIRING A NEW EMPLOYEE THAT AN EMPLOYER WOULD NOT OTHERWISE HAVE
29 HIRED;

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- (II) DISCHARGING AN EMPLOYEE;
- (III) TRANSFERRING AN EMPLOYEE WITH MORE SENIORITY THAN A PREGNANT OR RECOVERING EMPLOYEE;
- (IV) PROMOTING AN EMPLOYEE WHO IS NOT QUALIFIED TO PERFORM A NEW JOB;
- (V) CREATING A NEW POSITION FOR AN ELIGIBLE INDIVIDUAL;
- (VI) PROVIDING AN ELIGIBLE INDIVIDUAL LEAVE BEYOND THE AMOUNT THAT IS PROVIDED TO SIMILARLY SITUATED EMPLOYEES.

(I) *UNDUE HARDSHIP.*

(1) *IN GENERAL.*

“UNDUE HARDSHIP” MEANS AN ACTION REQUIRED TO PROVIDE A REQUESTED ACCOMMODATION THAT CREATES A SIGNIFICANT DIFFICULTY OR EXPENSE FOR AN EMPLOYER.

(2) *FACTORS.*

WHEN AN EMPLOYER OR THE COMMISSION IS DETERMINING UNDUE HARDSHIP, THE FOLLOWING FACTORS MAY BE CONSIDERED:

- (I) THE NATURE AND COST OF AN ACCOMMODATION;
- (II) THE OVERALL FINANCIAL RESOURCES OF AN EMPLOYER;
- (III) THE OVERALL SIZE OF AN EMPLOYER’S ORGANIZATION, WITH RESPECT TO THE NUMBER OF EMPLOYEES AND NUMBER, TYPE, AND LOCATION OF AN EMPLOYER’S AVAILABLE FACILITIES;
- (IV) AN ACCOMMODATION’S EFFECT ON AN EMPLOYER’S EXPENSES, RESOURCES, OR OPERATIONS; AND
- (V) WHETHER A PROVISION OF SIMILAR ACCOMMODATIONS HAS BEEN MADE TO ANOTHER EMPLOYEE.

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§ 20-2. RULES AND REGULATIONS.

(A) *IN GENERAL.*

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE COMMISSION SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *REQUIRED RULES AND REGULATIONS.*

RULES AND REGULATIONS ADOPTED BY THE COMMISSION PURSUANT TO THIS SUBTITLE SHALL INCLUDE:

(1) THE PROCEDURES, FORMS, AND DOCUMENTATION REQUIRED FOR AN EMPLOYER TO APPLY FOR A WAIVER OR VARIANCE FROM PROVIDING AN ACCOMMODATION; AND

(2) THE PROCEDURES FOR THE COMMISSION’S HEARING ON AND CONSIDERATION OF AN APPLICATION FOR A WAIVER OR VARIANCE.

§ 20-3. PROVISION OF PREGNANCY ACCOMMODATIONS.

(A) *IN GENERAL.*

AN EMPLOYER SHALL, UPON REQUEST OF AN ELIGIBLE INDIVIDUAL, PROVIDE REASONABLE ACCOMMODATIONS TO PERFORM THE ESSENTIAL FUNCTIONS OF THE ELIGIBLE INDIVIDUAL’S JOB AS LONG AS THE ACCOMMODATIONS DO NOT IMPOSE AN UNDUE HARDSHIP ON THE EMPLOYER’S BUSINESS.

(B) *GOOD-FAITH DETERMINATION.*

IF AN ELIGIBLE INDIVIDUAL REQUESTS AN ACCOMMODATION FROM AN EMPLOYER, THE EMPLOYER AND ELIGIBLE INDIVIDUAL SHALL ENGAGE IN A TIMELY, GOOD-FAITH, AND INTERACTIVE PROCESS TO DETERMINE WHAT REASONABLE ACCOMMODATIONS THE ELIGIBLE INDIVIDUAL WILL NEED.

(C) *PROOF OF NECESSITY.*

AN EMPLOYER MAY REQUIRE AN ELIGIBLE INDIVIDUAL TO PROVIDE A NOTE FROM A LICENSED HEALTHCARE PROVIDER BEFORE PROVIDING A REASONABLE ACCOMMODATION.

§ 20-4. WAIVER OR VARIANCE FOR UNDUE HARDSHIP.

IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED UNDER § 20-2 {“RULES AND REGULATIONS”} OF THIS SUBTITLE, AN EMPLOYER MAY APPLY TO THE COMMISSION FOR A WAIVER OR VARIANCE FROM ANY REQUIREMENT OF THIS SUBTITLE THAT THE EMPLOYER CAN DEMONSTRATE WOULD IMPOSE AN UNDUE HARDSHIP ON THE EMPLOYER’S BUSINESS.

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§ 20-5. FORBIDDEN ACTIONS BY EMPLOYER.

AN EMPLOYER MAY NOT:

- (1) TAKE ADVERSE ACTION AGAINST AN ELIGIBLE INDIVIDUAL WHO REQUESTS OR USES A REASONABLE ACCOMMODATION;
- (2) DENY AN EMPLOYMENT OPPORTUNITY TO AN ELIGIBLE INDIVIDUAL BASED ON THE NEED TO PROVIDE A REASONABLE ACCOMMODATION TO THE ELIGIBLE INDIVIDUAL;
- (3) REQUIRE AN ELIGIBLE INDIVIDUAL TO TAKE LEAVE IF THE EMPLOYER CAN PROVIDE ANOTHER REASONABLE ACCOMMODATION; OR
- (4) REQUIRE AN ELIGIBLE INDIVIDUAL TO TAKE A REASONABLE ACCOMMODATION THAT:
 - (I) THE ELIGIBLE INDIVIDUAL DID NOT REQUEST; OR
 - (II) IS NOT REQUIRED FOR THE ELIGIBLE INDIVIDUAL TO PERFORM THE NECESSARY FUNCTIONS OF THE ELIGIBLE INDIVIDUAL'S JOB.

§ 20-6. NOTICE OF RIGHTS UNDER SUBTITLE.

(A) *IN GENERAL.*

ANY EMPLOYER SUBJECT TO THIS SUBTITLE SHALL DEVELOP AND IMPLEMENT A WRITTEN PREGNANCY ACCOMMODATION POLICY.

(B) *MINIMUM CONTENTS.*

THE WRITTEN POLICY SHALL:

- (1) CONTAIN A STATEMENT THAT AN ELIGIBLE INDIVIDUAL HAS A LEGAL RIGHT TO REQUEST A REASONABLE ACCOMMODATION FOR PREGNANCY, RECOVERY FROM PREGNANCY, OR RELATED CONDITION;
- (2) INCLUDE THE EMPLOYER'S PROCESS FOR REQUESTING A REASONABLE ACCOMMODATION, WHICH SHALL INCLUDE:
 - (I) THE MEANS BY WHICH AN ELIGIBLE INDIVIDUAL MAY SUBMIT A REQUEST FOR REASONABLE ACCOMMODATION TO THE EMPLOYER;
 - (II) A REQUIREMENT THAT THE EMPLOYER RESPOND TO A REQUEST FOR REASONABLE ACCOMMODATION WITHIN 5 BUSINESS DAYS; AND
 - (III) A REQUIREMENT THAT THE EMPLOYER AND AN ELIGIBLE INDIVIDUAL ENGAGE IN A TIMELY, GOOD-FAITH, AND INTERACTIVE PROCESS TO DETERMINE WHAT REASONABLE ACCOMMODATIONS THE ELIGIBLE INDIVIDUAL WILL NEED;

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(3) STATE THAT, WHENEVER THE EMPLOYER DOES NOT PROVIDE A REASONABLE ACCOMMODATION, INCLUDING FOR UNDUE HARDSHIP, THE EMPLOYER SHALL PROVIDE IN WRITING THE REASON FOR DENYING THE REQUEST;

(4) STATE THAT ANY EMPLOYEE AGGRIEVED BY AN ALLEGED VIOLATION OF THIS SUBTITLE MAY FILE A COMPLAINT WITH THE COMMISSION;

(5) PROVIDE THE CONTACT INFORMATION FOR THE COMMISSION; AND

(6) STATE THAT ADVERSE ACTION AGAINST AN EMPLOYEE FOR REPORTING A VIOLATION OF OR EXERCISING THE RIGHTS CONFERRED BY THIS SUBTITLE IS PROHIBITED.

(C) *EMPLOYER TO KEEP COPIES OF ALL RESPONSES.*

IN ACCORDANCE WITH § 20-7 {"EMPLOYER RECORDS"} OF THIS SUBTITLE, AN EMPLOYER SHALL RETAIN A COPY OF ALL OF THE EMPLOYER'S WRITTEN RESPONSES REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION.

(D) *DISTRIBUTION OF POLICY.*

(1) AN EMPLOYER SHALL DISTRIBUTE A COPY OF THE EMPLOYER'S PREGNANCY ACCOMMODATION POLICY TO AN EMPLOYEE:

(I) UPON HIRING OF THE EMPLOYEE; AND

(II) WITHIN 10 CALENDAR DAYS OF ANY MODIFICATION TO THE POLICY.

(2) AN EMPLOYER SHALL OFFER A COPY OF THE PREGNANCY ACCOMMODATION POLICY TO ANY EMPLOYEE WHO REQUESTS OR INQUIRES ABOUT THE EMPLOYER'S PREGNANCY OR PARENTAL LEAVE POLICY.

(3) IF AN EMPLOYER HAS AN EMPLOYEE HANDBOOK OR SET OF POLICIES THAT IS AVAILABLE TO EMPLOYEES, THE PREGNANCY ACCOMMODATION POLICY SHALL BE INCLUDED IN THAT HANDBOOK OR SET OF POLICIES.

§ 20-7. EMPLOYER RECORDS.

(A) *IN GENERAL.*

ANY EMPLOYER SUBJECT TO THIS SUBTITLE SHALL MAINTAIN A RECORD OF ALL REQUESTS FOR A REASONABLE ACCOMMODATION RECEIVED BY THE EMPLOYER.

(B) *REQUIRED CONTENTS.*

A RECORD KEPT PURSUANT TO THIS SECTION SHALL INCLUDE THE FOLLOWING DOCUMENTATION:

(1) THE NAME OF THE EMPLOYEE MAKING THE REQUEST;

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(2) THE DATE OF THE INITIAL REQUEST AND OF ANY UPDATE TO THE INITIAL REQUEST;

(3) A COPY OF ALL WRITTEN OR DIGITAL CORRESPONDENCE BY OR ON BEHALF OF THE EMPLOYEE AND EMPLOYER; AND

(4) A DESCRIPTION OF HOW AND WHEN THE EMPLOYER RESOLVED THE REQUEST.

(C) *RETENTION PERIOD; INSPECTION.*

AN EMPLOYER SHALL:

(1) RETAIN A RECORD REQUIRED BY THIS SECTION FOR A PERIOD OF 3 YEARS FROM THE DATE OF THE REQUEST FOR REASONABLE ACCOMMODATION; AND

(2) SUBJECT TO REASONABLE NOTICE, ALLOW THE COMMISSION ACCESS TO THAT RECORD, UPON REQUEST, TO MONITOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

(D) *EFFECT OF FAILURE TO COMPLY.*

IN ANY MATTER INVOLVING AN ALLEGED VIOLATION OF THIS SUBTITLE, AN EMPLOYER CREATES A REBUTTABLE PRESUMPTION THAT THE EMPLOYER HAS VIOLATED THIS SUBTITLE IF THE EMPLOYER:

(1) HAS FAILED TO MAINTAIN OR RETAIN A RECORD REQUIRED BY THIS SECTION; OR

(2) DOES NOT ALLOW THE COMMISSION REASONABLE ACCESS TO THE RECORD REQUIRED BY THIS SUBSECTION.

§ 20-8. COMPLAINT TO COMMISSION.

(A) *COMPLAINT AUTHORIZED.*

ANY PERSON AGGRIEVED BY AN ALLEGED VIOLATION OF THIS SUBTITLE MAY FILE A COMPLAINT WITH THE COMMISSION.

(B) *PROCESS.*

A COMPLAINT OF AN ALLEGED VIOLATION OF THIS SUBTITLE SHALL BE FILED, INVESTIGATED, AND HEARD IN THE SAME MANNER AS THAT PROVIDED IN CITY CODE ARTICLE 4, SUBTITLE 4 {"ENFORCEMENT"} AS AN ALLEGED UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICE.

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§ 20-9. JUDICIAL AND APPELLATE REVIEW.

(A) JUDICIAL REVIEW.

A PARTY AGGRIEVED BY A FINAL DECISION OF THE COMMISSION UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THE COMMISSION'S DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE CIRCUIT COURT'S FINAL JUDGMENT TO THE APPELLATE COURT OF MARYLAND IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

§ 20-10. CRIMINAL PENALTIES.

A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A PENALTY OF NOT MORE THAN \$500 FOR EACH OFFENSE.

§ 20-11. APPLICABILITY OF OTHER LAWS.

NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO AFFECT THE APPLICABILITY OR ENFORCEABILITY OF ANY FEDERAL OR STATE LAW, RULE, OR REGULATION REGARDING ACCOMMODATIONS FOR INDIVIDUALS WHO ARE PREGNANT, RECOVERING FROM PREGNANCY, OR HAVE A RELATED CONDITION.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

**AMENDMENTS TO COUNCIL BILL 25-0051
(1st Reader Copy)**

By: Department of Human Resources
{To be offered to the Labor and Workforce Committee}

Amendment No. 1

On page 7, in line 27, strike “5” and substitute “10”.

Amendment No. 2

On page 8, after line 24, insert:

“(4) AN EMPLOYER MAY DISTRIBUTE TO AN EMPLOYEE THE POLICY REQUIRED BY THIS SECTION VIA ELECTRONIC MEANS, IF:

(I) THE EMPLOYER PROVIDES TO THE EMPLOYEE A PAPER COPY OF THE POLICY UPON REQUEST; AND

(II) THE ELECTRONIC MEANS ALLOWS FOR THE EMPLOYEE TO CONFIRM RECEIPT OF THE POLICY.”.

Amendment No. 3

On page 1, in line 6, strike “establishing penalties for violations of required accommodations;”; and, on that same page, in line 16, strike “20-11” and substitute “20-10”; and, on page 10, strike in their entirety lines 11 through 14; and, on that same page, strike “§ 20-11.” and substitute “§ 20-10.”.

**AMENDMENTS TO COUNCIL BILL 25-0051
(1st Reader Copy)**

By: Councilmember Gray
{To be offered to the Labor and Workforce Committee}

Amendment No. 1

On page 1, before line 9, insert:

“BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section 41-14(.5c)
Baltimore City Code
(Edition 2000)”;

and, on page 2, before line 2, insert:

“Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(.5c) ARTICLE 11. LABOR AND EMPLOYMENT

§ 20-10. CIVIL PENALTIES

\$1,000”.

Amendment No. 2

On page 10, strike in their entirety lines 11 through 14 and substitute:

“§ 20-10. ENFORCEMENT BY CITATION.

(A) IN GENERAL.

A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS SUBJECT TO A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”} WITH A PENALTY OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) PROCESS NOT EXCLUSIVE.

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.”.

Amendment No. 2

On page 1, in line 16, strike “20-11” and substitute “20-10”; and, on page 6, strike lines 27 through 31 in their entirety; and, on page 7, in lines 1 and 13, respectively, strike “**20-5.**” and “**20-6.**”, respectively, and substitute “20-4.” and “20-5.”, respectively; and, on page 8, in line 25, strike “**20-7.**” and substitute “20-6.”; and, on page 9, in line 19, strike “**20-8.**” and substitute “20-7.”; and, on page 10, in lines 1, 11, and 15, respectively, strike “**20-9.**”, “**20-10.**”, and “**20-11.**”, respectively, and substitute “20-8.”, “20-9.”, and “20-10.”, respectively.

Amendment No. 3

On page 6, strike line 2; and on that same page, strike lines 6 through 12 in their entirety; and, on that same page, in line 16, strike “TH” and substitute “THE”; and, on that same page, strike lines 24 through 31 in their entirety.

Baltimore City Council



Labor & Workforce Committee

Bill: 25-0051

**Title: Labor and Employment – Pregnancy
Accommodations**

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 21, 2025

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0051 – Labor and Employment – Pregnancy Accommodations

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0051 for form and legal sufficiency. The bill would make discriminating against pregnant people or those recovering from pregnancy a violation of the City Code. It does that by adding Subtitle 20 –Pregnancy Accommodations to the City Code’s Title 11 – Labor and Employment.

Federal and State Laws on Pregnancy Accommodations

Several existing federal and state laws provide protections for pregnant workers. The federal Pregnant Workers Fairness Act (“PWFA”), enforced by the Equal Employment Opportunity Commission (“EEOC”), requires a covered employer to provide a “reasonable accommodation” to a qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” 42 USC § 2000gg-1, *et. seq.* The federal Family Medical Leave Act (“FMLA”) requires covered employers to provide eligible employees with up to 12 weeks of unpaid leave for incapacity due to pregnancy including pregnancy complications and morning sickness (regardless of whether the employee visits a health care provider); prenatal care; and the employee’s own serious health condition following the birth of the child. 29 CFR § 825.115(b), (f); 825.120(a)(4). Other federal laws that provide protections for eligible individuals include the Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended by the Pregnancy Discrimination Act (“PDA”), the Providing Urgent Maternal Protections for Nursing Mothers (“PUMP”) Act, and the Americans with Disabilities Act, and the Fair Labor Standards Act. 42 USC. § 2000e, *et. seq.*; 29 USC § 218d; 42 U.S.C. §§ 12101 –12117.

Additionally, Maryland law requires that “if an employee requests a reasonable accommodation, the employer shall explore with the employee all possible means of providing the reasonable accommodation”, which includes “(1) changing the employee’s job duties; (2) changing the employee’s work hours; (3) relocating the employee’s work area; (4) providing mechanical or electrical aids; (5) transferring the employee to a less strenuous or less hazardous position; or (6)

providing leave. Md. Code, State Gov't § 20-609 (d). Like federal law, a reasonable accommodation must not impose an undue hardship on the employer. Md. Code, State Gov't § 20-609 (a)(2).

The City has the authority to legislate in this area, so long as the local laws do not conflict (expressly or impliedly) with existing federal and state law. City Charter, Art. II, §§ (11), (27), (47).; *see, e.g., Worton Creek Marina v. Claggett*, 381 Md. 499, 512 (2004).

The PWFA expressly allows local governments to pass laws that provide “greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions.” 42 USC. 2000gg-5(a). Bill 25-0051 significantly expands protections for pregnant workers beyond those required by state and federal law. The bill imposes pregnancy accommodation requirements on a broader set of employers than the PWFA. While the PWFA applies to employers with 15 or more employees, Section 20-1(G)(1) of the bill applies to employers with “2 or more full-time employees”. 29 CFR 1636.2(b)(1).

The bill also mandates a five-day response timeline for accommodation requests, requires employers to provide written denials when accommodations are denied and creates record-keeping obligations for employers. While the PWFA provides remedies and enforcement for eligible individuals who experience pregnancy discrimination, this bill expands these protections by providing local oversight and enforcement through the Baltimore Community Relations Commission and creates criminal penalties for violations. 29 CFR 1636.5.

The Bill defines terms that are utilized by other federal and state laws, such as “adverse action” and “reasonable accommodation.” While the City does have the ability to enact local laws that increase protections for those who are pregnant, by not using the same definitions as those in federal and state laws, the City’s law could be held to conflict with federal or state law as applied in a particular situation. For example, “Title VII does not define ‘undue hardship.’ The Supreme Court has recently explained that ‘undue hardship’ means the ‘burden’ of accommodating an employee’s request must be ‘substantial in the overall context of an employer’s business,’ i.e., ‘would result in substantial increased costs in relation to the conduct of its particular business.’” *Hall v. Sheppard Pratt Health Sys., Inc.*, 749 F. Supp. 3d 532, 542 (D. Md. 2024). The bill’s definition of “undue hardship,” while not illegal as written, could be preempted in a particular set of facts since the federal law requirements are flexible and are part of an evolving body of case law. Thus, while the bill need not be amended to align its definitions with those in the federal or state laws, it should be noted that the City’s law may not prevail in every case.

Required Amendments

I. Proof of Necessity

Section 20-3(C) in Bill 25-0051 authorizes an employer to require proof of necessity for a reasonable accommodation before providing it to an eligible individual. Federal law does not require documentation for all reasonable accommodations, instead it outlines the circumstances where it is reasonable for employers to request documentation from eligible individuals and

requires the documentation requested must also be reasonable. 29 CFR 1636.3(l). An employer's ability to require proof conflicts with the PWFA because it is not a "greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions." 42 USC. § 2000gg-5(a). Rather, it makes it harder for those seeking reasonable accommodation. Suggested amendment language is included with this bill report. There is also a typo in Section 20-3 (page 6, line 16) in the sentence "...accommodations to perform the essential functions of th[e] eligible individual's...". An amendment to fix that typo is attached.

II. Waiver of Variance for Undue Hardship

Bill 25-0051 allows employers to apply to the Commission for a waiver or variance if requirements of the subtitle impose an undue hardship. The reasonable accommodation process outlined by federal law is an interactive process that is specific to each employee and employer. 29 CFR 1636.3(h)(3). Employers are not required to make accommodations that create an undue hardship. 29 CFR 1636.1(b)(1). Therefore, Sections 20-4 and 20-2(B) must be removed.

Subject to these amendments, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Desiree Luckey
Assistant Solicitor

cc: Ebony Thompson, City Solicitor
Hilary Ruley, Chief Solicitor, General Counsel Division
Jeff Hochstetler, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 25-0051
(1st Reader Copy)**

By: Law Department

Amendment No. 1

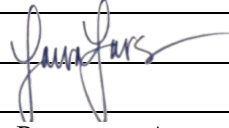
On page 6, strike lines 24-26; and on the same page in line 16, strike “TH” and substitute “THE”.

Amendment No. 2

On page 6, strike lines 6 – 12 and 27-31.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Laura Larsen, Budget Director 
DATE	August 20 th , 2025
SUBJECT	25-0051 Labor and Employment – Pregnancy Accommodations

The Honorable President and
Members of the City Council
City Hall, Room 400

June 23, 2025

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 25-0051, Labor and Employment – Pregnancy Accommodations, the purpose of which is to mandate reasonable workplace accommodations for eligible employees who are pregnant or recovering from pregnancy, including recovery from childbirth, stillbirth, or miscarriage, or a related condition. The bill aims to protect these employees from adverse actions related to their condition and to prevent the denial of employment opportunities based on the need to provide reasonable accommodation. It establishes penalties for employers who violate these requirements, defines key terms such as "reasonable accommodation" and "undue hardship," and mandates that employers develop and distribute a written pregnancy accommodation policy.

Background

Baltimore City's current pregnancy-related leave policies are informed by Federal legislation and policies such as the Family and Medical Leave Act (FMLA), which offers up to 12 weeks of unpaid, job-protected leave for eligible employees. The Pregnant Workers Fairness Act (PWFA), enforced by the EEOC, complements existing protections under the FMLA, ADA, Title VII, and the PUMP Act, while allowing states and cities to adopt more protective standards.

Council Bill 25-0051 expands on the Federal Pregnant Workers Fairness Act (PWFA) by applying to employers with as few as two full-time employees, imposing more proscriptive requirements. It mandates a five-day response timeline for accommodation requests, requires written denials, and enforces local oversight with potential monetary penalties. The bill also includes specific recordkeeping obligations and a more prescriptive implementation process than the federal law.

Fiscal Impact

The Department of Finance does not anticipate a significant cost to the City as a result of this legislation. The City is already subject to the PWFA, and the only change is ensuring that the notice requirements are met. Costs associated with implementation can be absorbed within existing resources by both Office of Equity and Civil Rights (OECR) and Human Resources (DHR). Under 25-0051, DHR would be responsible for developing and issuing a standardized Pregnancy Accommodation Policy, coordinating necessary training, and providing guidance and compliance resources to support agency implementation. DHR expects to be able to implement these within existing resources, as the City already complies with the PWFA. OECR has preliminarily evaluated the bill and determined that, at current budgeted staffing

levels, the additional enforcement responsibilities can be absorbed within the agency's existing capacity. No additional City funding is required for implementation, and the legislation does not divert or reduce revenue from other sources.

Other Considerations

- This legislation supports low-wage and frontline workers, particularly Black and Brown women, who face higher risks of adverse pregnancy outcomes and lack workplace protections
- Requiring accommodation reduces forced leave, job loss, and financial instability, promoting public health and economic equity
- The policy can improve workforce retention, employee well-being, and inclusive workplace practices

Conclusion

City Council Bill 25-0051 represents a proactive step toward ensuring that pregnant workers and those recovering from pregnancy are supported in the workplace. The bill complements existing FMLA protections, aligns with national best practices, and advances Baltimore's commitment to workplace equity.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 25-0051.

cc: Michael Mocksten
Nina Themelis



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Mary Beth Haller, Interim Commissioner of Health, Baltimore City Health Department
CC	Mayor's Office of Government Relations
DATE	May 14, 2025
SUBJECT	25-0051 - Labor and Employment – Pregnancy Accommodations

Position: Favorable

BILL SYNOPSIS

Council bill 25-0051 – Labor and Employment – Pregnancy Accommodations seeks to require that any business that operates in Baltimore City and employs two or more people (excluding the state and federal governments) to provide reasonable accommodations in the workplace for pregnant and post-partum employees upon request, as long as those accommodations would not cause undue hardship. The bill would require that this ordinance be implemented by the Baltimore Community Relations Commission.

SUMMARY OF POSITION

The Baltimore City Health Department (BCHD) recognizes that social determinants of health – including economic stability – have a marked impact on the health of individuals and communities. As such, the agency greatly appreciates the importance of employment accommodations for pregnant and post-partum people. Pregnancy and childbirth can cause a variety of physical challenges, including in the post-partum period, that could be reasonably accommodated by an employer while that person continues to do their job.

The agency respectfully requests a **favorable** report.