

RESOLUTION NO.

WHEREAS, pregnancy-capable employees represent nearly half of the workforce today; and

WHEREAS, according to a 2013 National Women's Law Center report, more than 80% of first-time mothers who work while pregnant work into the final month of their pregnancies; and

WHEREAS, the Pew Research Center has report that 40% of women were their household's main earner in 2011, including the 25% who are single mothers; and

WHEREAS, the Austin City Council has demonstrated a commitment to providing a high quality work environment for City of Austin parents evident in City Council Resolution 20130606-047 to provide paid parental leave and working with the Texas Department of State Health Services Mother-Friendly Worksite Program to provide support to breastfeeding employees; and

WHEREAS, pregnant employees also includes transgender people, including those identifying as male, and those who list their gender on their birth certificates as male; and

WHEREAS, on December 3rd 2014, the United States Supreme Court heard testimony in the case of *Young vs. UPS* in which a pregnant worker was refused the option of light duty during her pregnancy and placed on unpaid leave; and

WHEREAS, the Pregnancy Discrimination Act passed as an amendment to the sex discrimination section of the Civil Rights Act of 1964 in 1978 by Congress states that “on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work;” and

WHEREAS, the lawsuit presents the question whether an employer who provides work accommodations to nonpregnant employees with work limitations must provide comparable work accommodations to pregnant employees who are “similar in their ability or inability to work;” and

WHEREAS, the City of Austin’s non-discrimination ordinance states that “an employer may not fail or refuse to hire or discharge an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, based on the individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability;” and

WHEREAS, the City of Austin has a mission to maximize the health and well-being of the workforce and help employees reach their full potential, while at the time benefiting the organization and larger community served; and

WHEREAS, the City of Austin has a vested interest in ensuring pregnant employees are treated equal to nonpregnant employees without risk of losing employment and benefits; and

WHEREAS, recent national discussion regarding accommodations for pregnant employees reveals a need to clarify City of Austin policies in regards to this issue; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to examine workforce practices in other cities regarding personnel policies for pregnant employees and develop recommendations for implementation to Council by May 1st, 2015.

The Council also expresses its support for the Pregnant Workers Fairness Act to ensure pregnant workers are able to maintain their jobs without limiting their ability to work and support their family.

ADOPTED: _____, 2014

ATTEST: _____
Janette S. Goodall
City Clerk