

Law360 Quotes Partner Mark A. Konkel on Supreme Court Pregnancy Bias Ruling

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Partner [Mark A. Konkel](#) provided comments on the U.S. Supreme Court's decision to reject a Fourth Circuit ruling that dismissed a pregnancy bias case against UPS in the *Law360* article "Attorneys React To High Court Pregnancy Bias Ruling." The Supreme Court found that neither party's interpretation of the Pregnancy Discrimination Act was persuasive. Mr. Konkel says:

The decision clarifies — maybe — what an employer should be focused on: if an employer accommodates a 'large percentage' of non-pregnant workers but refuses to offer the same to pregnant workers, that may amount to evidence of intentional discrimination. UPS granted light duty to 'numerous' employees who could not drive or lift packages, but not for pregnant employees. The takeaway is clear: if you grant accommodations to non-pregnant 'other' employees, think twice before denying them to pregnant employees. What remains to be seen is just what 'numerous' means — an issue that will have to be resolved in the lower courts.

To read the full article, please click [here](#). Access may require subscription.