

WAC 357-26-035 What actions must an employer take to provide reasonable pregnancy accommodations? (1) An employer must provide employees who are pregnant or have a pregnancy-related health condition a reasonable pregnancy accommodation, which includes the following:

- (a) Providing more frequent, longer, or flexible restroom breaks;
- (b) Modifying a no food or drink policy;
- (c) Providing seating or allowing an employee to sit more frequently if the job requires standing;
- (d) Providing reasonable break time for an employee to express breast milk for two years after the child's birth each time the employee has need to express the milk and providing a private location, other than a bathroom, if such a location exists at the place of business or worksite, which may be used by the employee to express breast milk. If the business location does not have a space for the employee to express breast milk, the employer shall work with the employee to identify a convenient location and work schedule to accommodate their needs;
- (e) Job restructuring, part-time or modified work schedules, re-assignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station;
- (f) Providing a temporary transfer to a less strenuous or less hazardous position;
- (g) Providing assistance with manual labor and limits on lifting;
- (h) Scheduling flexibility for prenatal visits; and
- (i) Any further pregnancy accommodation an employee may request and to which an employer must give reasonable consideration in consultation with information provided on pregnancy accommodation by the department of labor and industries or the employee's attending health care provider.

(2) An employer cannot require an employee who is pregnant or has a pregnancy-related health condition to take leave if another reasonable pregnancy accommodation can be provided.

(3) The employer is not required to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation.

[Statutory Authority: Chapter 43.01 RCW and RCW 43.10.005. WSR 20-24-022, § 357-26-035, filed 11/20/20, effective 12/28/20; WSR 19-17-041, § 357-26-035, filed 8/15/19, effective 9/23/19. Statutory Authority: Chapter 41.06 RCW, RCW 43.10.005 and 49.76.040. WSR 19-05-056, § 357-26-035, filed 2/15/19, effective 3/29/19.]