

FINAL BILL REPORT

SHB 1930

C 134 L 19

Synopsis as Enacted

Brief Description: Concerning reasonable accommodation for the expression of breast milk in the workplace.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Doglio, Dolan, Jinkins, Reeves, Shewmake, Stanford, Pollet, Macri, Senn and Ormsby).

House Committee on Labor & Workplace Standards
Senate Committee on Labor & Commerce

Background:

Under state law, it is an unfair practice for an employer with 15 or more employees to fail or refuse to make reasonable accommodation for an employee's pregnancy or pregnancy-related health conditions, unless it would impose an undue hardship on the employer's program, enterprise, or business.

"Reasonable accommodation" means, among other things, providing more frequent, longer, or flexible restroom breaks and providing any further accommodation an employee may request, and to which an employer must give reasonable consideration in consultation with information provided by the Department of Labor and Industries or the employee's health care provider.

The Attorney General (AG) must investigate complaints and provide enforcement, including using conference and conciliation. An employee may file a complaint with the AG or bring a civil cause of action in court to enjoin further violations and recover actual damages, costs, and reasonable attorneys' fees or any other appropriate remedy.

Under the federal Fair Labor Standards Act (FLSA), employers must provide reasonable break time for an employee to express breast milk for up to one year after the child's birth each time the employee has the need to express milk. Employers must also provide a place, other than a bathroom, that may be used by an employee to express breast milk and that is shielded from view and free from intrusion from coworkers and the public. Employers with fewer than 50 employees are not subject to the FLSA requirement if compliance would impose an undue hardship considering the difficulty or expense of compliance and the size,

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financial resources, nature, and structure of the employer's business. The FLSA provision on expressing breast milk does not apply to employees who are exempt from the FLSA overtime requirements.

Summary:

The definition of "pregnancy" is amended to include the need to express breast milk.

Requiring reasonable accommodations for pregnancy includes providing reasonable break time for an employee to express breast milk for two years after the child's birth each time the employee has the need to express breast milk, and providing a private location, other than a bathroom, if such a location exists at the 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 must work with the employee to identify a convenient location and work schedule to accommodate their needs.

Votes on Final Passage:

House	96	1
Senate	46	0

Effective: July 28, 2019