

Pregnancy Reasonable Accommodation

Policy Number: 2024-0003

Issue Date: 6-18-2024

PURPOSE

This policy is intended to guide King County in providing reasonable accommodations to qualified individuals related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, consistent with the Washington Healthy Starts Act and the Pregnant Workers Fairness Act.

POLICY APPLICABILITY

The county's *Pregnancy Reasonable Accommodation Policy* applies to all employees in executive branch departments, offices, and divisions, including the Assessor's Office and King County Elections. This includes all career service, provisional, temporary, probationary, and appointed employees.

DEFINITIONS

"*Interactive Process*" means the process whereby the employee or applicant and the employer communicate in a good faith, cooperative effort to: identify limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; identify potential reasonable accommodations; and facilitate the implementation of and/or cessation of reasonable accommodations.

"*Known Limitation*" means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or the employee's representative has communicated to the covered entity, whether or not such condition meets the definition of disability under the Americans with Disabilities Act.

- "*Known*" means the employee or the employee's representative has communicated the limitation to the employer.
- "*Limitation*" means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. The physical or mental condition is:
 - an impediment or problem that may be modest, minor and/or episodic;
 - a need or problem related to maintaining the employee's health or the health of the pregnancy; or
 - the employee seeking health care related to pregnancy, childbirth, or a related medical condition.

"*Predictable Assessments*" means a limited number of simple modifications that are reasonable accommodations that do not impose an undue hardship under state and/or federal law. These accommodations are:

- Lifting restrictions of objects over seventeen (17) pounds;
- Modifying a no food or drink policy;
- Allowing an employee to carry or keep water near and drink, as needed;

- Allowing an employee to take breaks to eat and drink, as needed;
- Allowing an employee to take additional, more frequent, longer or flexible restroom breaks, as needed;
- Allowing an employee whose work requires standing to sit and whose work requires sitting to stand, as needed; and
- Allowing reasonable break time for employees to express milk and a private place to do so.

“*Qualified Individual*” means an employee or applicant who, with or without reasonable accommodation are:

- Able to perform the essential functions of the position; or
- Not able to perform one or more essential functions of the job, if:
 - the inability to perform the essential function(s) is temporary,
 - they could perform the essential function(s) in the near future, and
 - the inability to perform the essential function(s) can be reasonably accommodated.

“*Undue Hardship*” means that an accommodation would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business.

POLICY

King County will provide reasonable accommodations to a qualified individual’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, absent undue hardship on the operation of the business, in accordance with state and federal law.

King County and the qualified individual will engage in an interactive process to identify potential accommodations, which may be conducted informally through brief conversations or emails. King County may seek information from the qualified individual’s health care provider under limited circumstances and may not require an independent medical examination. King County may only request documentation that is sufficient to:

- Confirm the physical or mental condition;
- Confirm the physical or mental condition is related to, affected by, or arising out of pregnancy, childbirth, or related medical condition; and
- Describe the change or adjustment at work needed due to the limitation.

No medical documentation is required when:

- The need for accommodation is obvious;
- King County already has the information needed;
- The request is for a predictable assessment; or
- The request is for a lactation accommodation.

Due to the temporary nature of pregnancy, King County will promptly respond to accommodation requests and will provide either the requested reasonable accommodation or other effective alternative accommodations that do not cause an undue hardship in a timely manner. Reasonable accommodations may include, but are not limited to the following:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom;
- Changing food or drink policies to allow for a water bottle or food during work hours;
- Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- Changing a uniform or dress code or providing safety equipment that fits;
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time;

- Telework;
- Temporary reassignment;
- Temporary suspension of one or more essential functions of a job;
- Leave for health care appointments;
- Light duty or help with lifting or other manual labor; or
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth.
 - King County may not require an employee to take leave if another reasonable accommodation can be provided without undue hardship.

Employees or applicants may also qualify for additional protections under [Lactation Accommodation](#), [Reasonable Accommodation in Employment](#), [Transitional Duty for Employees with Temporary Medical Conditions](#) or [Paid Parental Leave](#) policies.

King County's supervisors, managers, Human Resources Managers, and the Director of the Department of Human Resources or designee are responsible for ensuring that reasonable accommodations are provided consistent with this policy.

QUESTIONS

Refer questions or comments to your department's [Human Resources Manager](#) or the [Department of Human Resources Disability Services or Metro Transit Disability Services](#).

ADDITIONAL RESOURCES

- [Washington Healthy Starts Act](#)
- [RCW 43.10.005](#)
- [The Pregnant Workers Fairness Act](#)
- [29 CFR Part 1636](#)
- [EEOC – What You Should Know About the Pregnant Workers Fairness Act](#)