

5010SP.B Workplace Accommodations for Pregnancy and Pregnancy-Related Conditions

I. Protection and Equal Treatment of Employees Who are Pregnant or Have Pregnancy-Related Conditions

The Superintendent establishes this procedure in furtherance of the District's commitment to prohibiting sex-based discrimination—including discrimination based on pregnancy and pregnancy-related conditions—under Board Policy No. 5010, Nondiscrimination and Affirmative Action. Unlawful discrimination in any form against employees based on sex, pregnancy, or nursing status is strictly prohibited.

District policy, this procedure, and state and federal laws require that the District ensure employment opportunities are available to all persons without regard to pregnancy status or sex and in compliance with all applicable legal requirements including Washington's Healthy Starts Act (HSA) and the Washington Law Against Discrimination (WLAD).

Federal laws also provide relevant employer requirements and protections for employees. These include the Pregnant Workers Fairness Act (PWFA), Americans with Disabilities Act (ADA), Pregnancy Discrimination Act (PDA), Title VII of the Civil Rights Act of 1964, Family and Medical Leave Act (FMLA), and Fair Labor Standards Act (FLSA), as amended by the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act).

II. Workplace Accommodation Procedure for Pregnancy and Pregnancy-Related Conditions

The purpose of the following sections of this procedure is to outline the process for employees to request pregnancy-related workplace accommodations to ensure compliance with applicable state laws and other legal requirements.

a. Definitions

The following definitions apply to this procedure:

- **Pregnancy and pregnancy-related conditions** include (but are not limited to)
 - pregnancy, childbirth, false pregnancy, termination of pregnancy, miscarriage, lactation (the need to express breast milk);
 - medical conditions related to the above;
 - recovery from above; and
 - any other conditions in accordance with state and federal law.
- **Pregnancy discrimination** includes treating a pregnant person or a person with a pregnancy-related condition less favorably than similar individuals not so affected

and includes a failure to provide legally mandated leave or reasonable workplace accommodations.

- **Pregnant person** refers to the person who is or was pregnant.
- **Reasonable workplace accommodations** mean individualized workplace accommodations to the District's policies, practices, or procedures that are comparable to the workplace accommodations offered for any other temporary medical condition. Essentially, they are changes to the employee's workday that allow for physical needs while pregnant, recovering from pregnancy, or nursing. A workplace accommodation that the District can demonstrate would cause an "undue hardship" is not required.
- **Undue Hardship** is an action requiring significant difficulty or expense.

b. Requesting Workplace Accommodations

The District's workplace accommodation process is intended to be interactive and collaborative, relying on open communication and active participation between the employee requesting the workplace accommodation and the District.

- **District Contact**

Employees with questions about making or who receive workplace accommodation requests for pregnancy or a pregnancy-related condition should contact the workplace accommodations email inbox: WorkplaceAccommodation@seattleschools.org.

Communications sent to this inbox are reviewed by Human Resources Division staff responsible for addressing workplace accommodation requests.

The Human Resources Division is directed to include this contact information on the District website. It will also be included in any employee handbook, if one is provided.

- **Workplace Accommodation Request Form**

Employees initiate a workplace accommodation request by submitting the workplace [accommodation request form](#).

All requests initially received outside of this process must be forwarded to WorkplaceAccommodation@seattleschools.org by the staff receiving the request.

c. Receipt and Review of Workplace Accommodation Requests

It is important for Human Resources employees, school administrators, and other supervisors to promptly follow up on all communications from an employee or their representative regarding a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. Federal law requires employers to take actions when these limitations are communicated to the employer, regardless of the terminology used in the communication and regardless of whether the communication is made orally, in writing, or by another effective means.

Human Resources employees, school administrators, and supervisors who receive a request for a pregnancy-related workplace accommodation must document receiving that request and then direct the request for a workplace accommodation to WorkplaceAccommodation@seattleschools.org, the contact designated in this Procedure for action and documentation of all steps taken during the interactive process.

- **Acknowledgement of Request Form:** The Human Resources Division will acknowledge receipt of the accommodation request form within two business days of receipt of the completed form.
- **Response to Workplace Accommodation Requests:** The Human Resources Division will respond to the workplace accommodation request within a reasonable time frame, typically no longer than three business days and in no instance longer than five business days unless that timeframe is extended through written communication during the interactive process.
 - Pregnancy-related workplace accommodation requests that are straightforward or clearly reasonable under applicable law may be granted immediately.
 - If the requested pregnancy-related workplace accommodation cannot be immediately granted or requires further discussion, the District will initiate the interactive process within five business days.
- **Interactive Process:** The interactive process involves back-and-forth communication between all parties, which can be conducted through electronic communications, to determine if there are reasonable workplace accommodations that can be provided. The interactive process requires the employer to analyze the request and then, when necessary, suggest or ask for suggestions of alternate accommodations than those being requested by the employee or their health care professional. The District will work together with the employee to find reasonable workplace accommodations for the employee's pregnancy-related health condition.

d. **Reasonable Workplace Accommodations**

The District complies with its obligations to provide reasonable workplace accommodations to pregnant and nursing employees and will not require pregnant or nursing employees to take leave if a reasonable workplace accommodation is available for which the employee is able to complete the essential functions of the job position they hold.

- **Accommodations that are presumed reasonable**

Washington's Healthy Starts Act (HSA) requires the District to provide the following reasonable workplace accommodations regardless of any hardship the District may perceive and prohibits the District from asking for written certification from a health care provider for the following:

- Providing more frequent, longer, or flexible restroom breaks;
- Modifying a no food or drink policy;

- Allowing breaks, as needed, to eat and drink;
- Carrying water and drinking, as needed;
- Seating or allowing the employee to sit more frequently if their job requires them to stand; and
- Limits on lifting over 17 pounds.

- **Workplace accommodations upon request and factors considered**

The District must make other reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. The District will not deny a request for a reasonable workplace accommodation for an employee for pregnancy unless an undue hardship can be shown.

Each reasonable workplace accommodation must be based on the employee's individual needs. In determining what reasonable workplace accommodations are required under this paragraph, the District must consult with the employee through the interactive process. The employee has the discretion to accept or decline each reasonable workplace accommodation offered by the District. If an employee accepts a District's offered reasonable workplace accommodation, the District must implement it. The employee is still required to complete the essential functions of the job position they hold with or without accommodation.

The HSA deems the following to be reasonable workplace accommodations which must be provided if there is no significant difficulty or expense to the District:

- Job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station;
- Providing for a temporary transfer to a less strenuous or less hazardous position;
- Providing assistance with manual labor and limits on lifting that are less than 17 pounds;
- Scheduling flexibility for prenatal visits;
- 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 worksite, which may be used by the employee to express breast milk. If the worksite does not have a space for the employee to express milk, the District shall work with the employee to identify a convenient location and work schedule to accommodate their needs; and
- Any further pregnancy-related workplace accommodation an employee may request in consultation with information provided on pregnancy accommodation by the Department of Labor and Industries or the treating health care provider of the employee.

The District does not have to create additional or other job positions that it would not otherwise have created unless the District does so or would do so for other classes of employees who need workplace accommodation for any temporary medical condition. This includes no “light duty” or “modified duty” positions or job responsibilities as a workplace accommodation. Further, the District is not required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need workplace accommodation for any temporary medical condition.

- **Space or Location for Lactation**

The District must ensure that an employee has access to a space or location for lactation purposes. The space must be somewhere other than a bathroom, if such a location exists at the place of business or worksite, which is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

- e. Written Certification from Health Care Provider**

The District may request that the employee provide written certification from the employee’s treating health care professional regarding the need for reasonable workplace accommodation. The District may not, however, request written certification for those workplace accommodations presumed reasonable as provided in the HSA and for reasonable break time for an employee to express breast milk as described in the HSA. The final rule for the PWFA further limits when and how the District can seek supporting documentation from the treating health care professional.

The District is not required to request medical documentation in instances when the person’s limitation or need for a workplace accommodation is obvious. However, the District may request and review medical documentation to support a workplace accommodation request under reasonable circumstances. The documentation requested must be the minimum sufficient to confirm the limitation. When medical documentation is provided, the District must give reasonable consideration in consultation with information provided on pregnancy accommodation by the Department of Labor and Industries or the treating health care provider of the employee.

The District shall keep all medical records confidential and maintained in a separate location from the employee’s personnel file.

- f. Voluntary Leaves of Absence**

The District must allow leaves of absence for pregnancy and pregnancy-related conditions. However, state and federal laws prohibit the District from requiring an employee to take leave if another reasonable workplace accommodation can be provided for the employee’s pregnancy or pregnancy-related condition.

Requirements for employee leave of absence are provided in Board Policy No. 5400, Leaves; applicable collective bargaining agreements; and the management compensation bulletin for non-represented employees.

III. Discrimination and Retaliation Prohibited

State and federal laws and District policy strictly prohibit retaliation against pregnant and nursing employees who request workplace accommodations. The District and its employees are prohibited from retaliating against pregnant or nursing employees who request a workplace accommodation, from denying employment opportunities to pregnant or nursing employees if the denial is based on the employer's need to make reasonable workplace accommodation required by RCW 43.10.005(1)(c), or from requiring pregnant or nursing employees to take leave of absence if another reasonable workplace accommodation can be provided.

Board Policy No. 5245, Anti-Retaliation, and the corresponding Superintendent Procedure, provide additional information about the District's prohibition of and response to reports or complaints alleging retaliation.

IV. Process for Addressing Complaints

The District has adopted Superintendent Procedure 5010SP.A, Employment Discrimination Complaint Process, to set forth the process for resolving discrimination complaints submitted by a District employee.

Superintendent Procedure 5010SP.A is designed to provide for a prompt, thorough, and equitable review of complaints alleging discrimination, and requires the District to take appropriate steps to resolve such situations. If sex-based discrimination or retaliation is found to have occurred based on findings of a District investigation, the District must take immediate action to eliminate the discrimination or retaliation, prevent its reoccurrence, and address its effects.

For employee complaints of alleged employment discrimination, contact Labor & Employee Relations staff by phone at 206-252-0315, by email at HREEOC@seattleschools.org or by mail at Seattle Public Schools, MS 33-157, P.O. Box 34165, Seattle, WA 98124-1166.

V. Additional Complaint Options

- **Office of the Washington State Attorney General:** Any employee or prospective employee may report violations of this procedure by contacting the Office of the Washington State Attorney General, Civil Rights Division.
 - **Email:** pregnancy@atg.wa.gov
 - **Phone Message:** (833) 660-4877
 - **Online Complaint Form:**
<https://fortress.wa.gov/atg/formhandler/ago/PregnancyAccommodationsComplaintForm.aspx>

- **Washington State Human Rights Commission (WSHRC):** WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.
 - **Phone:** 1-800-233-3247
 - **TTY:** 1-800-300-7525
 - **Website:** www.hum.wa.gov
- **Equal Employment Opportunity Commission (EEOC):** EEOC enforces Federal laws that prohibit discrimination in employment.
 - **Email:** info@eeoc.gov
 - **EEOC Public Portal:** <https://publicportal.eeoc.gov/Portal/Login.aspx>

VI. Distribution of Procedure and Acknowledgement of Employee Responsibilities

The District shall distribute this procedure to all employees annually and to each newly hired employee within 10 business days of commencing employment.

It is particularly important for Human Resources employees, school administrators, and supervisors to understand this procedure and the laws that govern workplace pregnancy accommodations. Applicable state laws include, but are not limited to:

- Washington's Healthy Starts Act (RCW 43.10.005)
- Washington Law Against Discrimination (RCW 49.60.030 and RCW 49.60.180)

VII. Training for Human Resources Employees, School Administrators, and Supervisors

The District shall provide pregnancy accommodation training annually to all Human Resources employees, school administrators, and supervisors regarding their obligations under this procedure and applicable laws. The training shall be aimed toward helping attendees understand the process to review, respond, and analyze each request for a reasonable workplace accommodation, including workplace accommodation requests for pregnancy or pregnancy-related conditions.

• Training Content

The training shall include, at a minimum:

- An overview of the Washington State Laws governing pregnancy accommodation and sex and pregnancy discrimination.
- An admonition that retaliation against an applicant or employee who requests an accommodation or complains of discrimination is prohibited.
- Instruction on this Pregnancy Accommodation Procedure.

- A discussion of various forms of reasonable accommodations identified in the HSA including the accommodations that must be granted in Washington, and the accommodations for which the District cannot request written certification from a treating health care professional.
- The presentation of specific scenarios tailored to the workplace.

VIII. Additional Resources

- **Seattle Public Schools**
 - Contact for Pregnancy or Pregnancy-Related Workplace Accommodations: WorkplaceAccommodation@seattleschools.org
 - Labor & Employee Relations staff: LaborRelations@seattleschools.org
- **Washington State Department of Labor and Industries:** [Workplace Pregnancy Accommodations Information](#)
- **Washington State Attorney General's Office:** [Pregnancy Accommodations Guide for Employees and Employers](#)
- **Washington's Healthy Starts Act:** [RCW 43.10.005](#)
- **Washington State Human Rights Commission:** www.hum.wa.gov
- **Washington Law Against Discrimination:**
 - [RCW 49.60.030 Freedom from discrimination—Declaration of civil rights.](#)
 - [RCW 49.60.180 Unfair practices of employers.](#)
- **U.S. Department of Labor:** [FLSA Protections to Pump at Work](#)
- **Pregnant Workers Fairness Act (PWFA):** [42 U.S.C. 2000gg](#)
- **Equal Employment Opportunity Commission**
 - [Final rule and interpretive guidance to implement the Pregnant Workers Fairness Act.](#)
 - [What You Should Know About the Pregnant Workers Fairness Act](#)
 - [Time and Place to Pump at Work: Your Rights](#)

IX. Distribution of and Updates to this Procedure

The District shall publish this procedure in any physical copies of handbooks or policy manuals given to employees and shall ensure that this procedure is available on any internal Human Resources webpages and prominently displayed in or around designated lactation spaces.

Policy Cross References:

- 5010 – Nondiscrimination and Affirmative Action
- 5011 – Sexual Harassment of District Staff Prohibited
- 5245 – Anti-Retaliation
- 5400 – Leaves

Revisions:

Adopted:

- November 25, 2025