**Section 2535.100 Duty to Accommodate**

a) Employers and labor organizations must make reasonable accommodations for any medical or common condition related to pregnancy or childbirth, unless the employer or labor organization can demonstrate that the accommodation would impose an undue hardship on the ordinary operations of the business of the employer or labor organization.

b) Reasonable accommodations include, but are not limited to:

1) Modifications or adjustments to a job application process that enable a qualified job applicant affected by a pregnancy condition, to be considered for the position;

2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position is customarily performed, that enable a qualified job applicant or employee affected by a pregnancy condition to be considered for the position the applicant desires or to perform the essential functions of her position;

3) Modifications or adjustments to an employee's full or part-time employment status, work schedule, job structure or job assignments, or a temporary transfer to another position, if the employee affected by a pregnancy condition is unable to perform the essential functions of her position;

4) Modifications or adjustments that enable an employee affected by a pregnancy condition to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.

c) Examples of reasonable accommodations include, but are not limited to:

1) More frequent or longer bathroom breaks, breaks for increased water intake, breaks for periodic rests and seating;

2) Private non-bathroom space for expressing breast milk and breastfeeding;

3) Assistance with manual labor, light duty, temporary transfer to a less strenuous or hazardous position, and reassignment to a vacant position;

4) Making existing facilities and worksites readily accessible and usable;

5) Job restructuring, part-time or modified work schedules, acquisition or modifications of equipment or devices, and appropriate adjustment or modification of examinations, training materials or policies; and

6) Time off to recover from conditions related to childbirth, and leave necessitated by a pregnancy condition.

d) Accommodations of a personal nature (e.g., providing a breast pump) need not be provided.

e) No employer is required to:

1) Create additional employment that the employer would not otherwise have created to accommodate an employee affected by a pregnancy condition, unless the employer does so or would do so for other classes of employees who need accommodation.

2) Discharge any employee, or transfer any employee with more seniority, to accommodate an employee under this Section, unless the employer does so or would do so to accommodate other classes of employees who need it.

3) Transfer or promote an employee who is not qualified to perform the job as an accommodation under this Section, unless the employer does so or would do so to accommodate other classes of employees who need it.