

AMENDATORY SECTION (Amending WSR 19-05-056, filed 2/15/19, effective 3/29/19)

**WAC 357-26-050 When must an employer provide reasonable safety accommodations?** An employer must provide reasonable safety accommodations to an applicant or employee who is a victim of domestic violence, sexual assault, stalking, or hate crime, or an employee whose family member((~~r~~)) as defined in chapter 357-01 WAC, is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts as required in chapter 49.76 RCW.

AMENDATORY SECTION (Amending WSR 19-05-056, filed 2/15/19, effective 3/29/19)

**WAC 357-26-055 What actions must an employer take to provide safety accommodations?** (1) An employer must provide an applicant, or employee who is a victim of domestic violence, sexual assault, stalking, or hate crime, or an employee whose family member((~~r~~)) as defined in chapter 357-01 WAC, is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts, a reasonable safety accommodation, which includes, but is not limited to the following:

- (a) A transfer or reassignment;
  - (b) Modified schedule;
  - (c) Changed work telephone number, work email address and/or workstation;
  - (d) Installed lock;
  - (e) Implemented safety procedure; or
  - (f) Any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault ((~~or~~)), stalking, or hate crime.
- (2) Leave taken in accordance with chapter 357-31 WAC may be considered a reasonable safety accommodation.
- (3) The employer may deny a reasonable safety accommodation based on an undue hardship, which means an action requiring significant difficulty or expense.

AMENDATORY SECTION (Amending WSR 19-05-056, filed 2/15/19, effective 3/29/19)

**WAC 357-26-060 When an applicant or employee who is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime, or when an employee has a family member who is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts and seeks a reasonable safety accommodation, what documentation may the applicant or employee be required to submit?** (1) When an applicant or employee who is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime, or when an employee has a family member((~~r~~)) as defined in chapter 357-01 WAC, who is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts and seeks a reasonable safety accommodation, the employer may require that the request be supported by veri-

fication. An applicant or employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the applicant, employee or employee's family member was a victim of domestic violence, sexual assault ~~((e))~~, stalking, or hate crime;

(b) A court order protecting or separating the applicant, employee or the employee's family member from the perpetrator of the act of domestic violence, sexual assault ~~((e))~~, stalking, or hate crime;

(c) Evidence from the court or prosecuting attorney that the applicant, employee or the employee's family member appeared, or is scheduled to appear, in court in connection with ~~((an incident of))~~ a case involving domestic violence, sexual assault ((e)), stalking, or hate crime;

(d) An applicant or employee's written statement that the applicant, employee or the employee's family member is a victim of domestic violence, sexual assault ~~((e))~~, stalking, or hate crime and the safety accommodation requested is to protect the applicant or employee from domestic violence, sexual assault ~~((e))~~, stalking, or hate crime; or

(e) Documentation that the applicant, employee or the employee's family member is a victim of domestic violence, sexual assault ~~((e))~~, stalking, or hate crime, from any of the following persons from whom the applicant, employee or employee's family member sought assistance in addressing the domestic violence, sexual assault ~~((e))~~, stalking, or hate crime: An advocate for victims of domestic violence, sexual assault ~~((e))~~, stalking, or hate crime; an attorney; a member of the clergy; or a medical or other professional.

(2) If the victim of domestic violence, sexual assault ~~((e))~~, stalking, or hate crime is the employee's family member ~~((7))~~ as defined in chapter 357-01 WAC, verification of the familial relationship between the employee and the victim may include, but is not limited to: A statement from the employee; a birth certificate; a court document; or other similar documentation.