

WAC 82-56-030 Application of definition of undue hardship to request. (1) In determining whether the employee's absence would result in an undue hardship to the employing entity, the employer must make a case-by-case determination based on the specific objective facts and circumstances, not assumed information, present at the time of each request.

(2)(a) The existence of a collective bargaining agreement or bona fide seniority system does not in and of itself relieve the employing entity from determining whether there would be an undue hardship if the request was granted.

(b) When an employee is represented by a union, in determining whether the employee's absence would result in an undue hardship, the request must be reconciled, when feasible, with the provisions of the applicable collective bargaining agreement.

(c) If the employee is covered under a collective bargaining agreement, the employing agency must determine whether the request can be granted without violating that agreement.

[Statutory Authority: 2014 c 168 § 2. WSR 14-23-022, § 82-56-030, filed 11/10/14, effective 12/11/14.]