



**SUBJECT:** LACTATION ACCOMMODATION POLICY

**PURPOSE:** To encourage a supportive work environment for City employees to express breast milk during working hours.

This policy complies with federal and state lactation accommodation requirements.

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**GENERAL POLICY:**

The City shall provide a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. The City will provide the employee with the use of a room or other location for the employee to express milk in private. Bathrooms are not appropriate or acceptable spaces for lactation purposes. Such space will meet the requirements of the California Labor Code including:

- Be safe, clean and free of hazardous materials;
- Be in close proximity to the employee's work area;
- Be shielded from view and free from intrusion while the employee is expressing milk;
- Contain a surface to place a breast pump and personal items;
- Contain a place to sit; and
- Have access to electricity or alternative devices (extension cords, charging stations) needed to operate breast pumps.
- Have access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, another cooling device suitable for storing milk will be provided.

**PROVISIONS:**

The City encourages employees and management to have a positive, accepting attitude of working women and breastfeeding. The City's Lactation Accommodation Policy shall be disseminated to every incoming employee and to any employee who inquires about or requests parental leave. In accordance with Federal and State laws, it is the policy of the City to accommodate nursing employees' lactation needs by providing:

Time to Express Milk or Breastfeed (Lactation Time):

- A. If possible, the lactation time should be the same as the employee's regular break time.

- B. Separate time will be made available if an employee needs extra or a different time than their regularly scheduled breaks. Any time beyond the employee's regular break time will be unpaid for non-exempt employees.

#### An Appropriate Private Location:

- A. Appropriate private space shall be provided in accordance with the requirements listed above. The location may be the place where the employee normally works if it meets the requirements of the Labor Code listed above.
- B. For non-traditional worksites, a good faith interactive discussion will be held to identify accommodations that meet the requirements of federal and state law.

#### Lactation Accommodation Request Procedure:

- A. An employee who has need for lactation accommodation should inform their supervisor and/or Human Resources and discuss any relevant workload or scheduling issues. If an employee makes a request to their supervisor, it is the supervisor's responsibility to inform HR.
  - 1. This request may be submitted verbally or in writing.
  - 2. Once HR is notified of an accommodation request, an interactive discussion will be scheduled.
    - i. If the City cannot provide break time or a location that complies with the policy described herein, the City shall provide a written response to the employee.
- B. Employees have the right to request lactation accommodation and will not be retaliated against or face any adverse employment action for making such a request.

#### Zero Tolerance

Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee; such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the City's policies and procedures for discrimination and harassment.

#### Filing a Complaint

Employees who feel they have been denied adequate break time and/or a place to express milk as provided for in Labor Code section 1030, may file a report/claim with the Labor Commissioner's Bureau of Field Enforcement (BOFE) at the BOFE office nearest their place of employment. See <http://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm>.