

Lactation Accommodation Policy

The purpose of this policy is to establish guidelines for establishing a breastfeeding-friendly work environment and supporting lactating employees. The District is legally obligated to provide the lactation accommodations pursuant to this policy. Furthermore, an employee has a legal right to request lactation accommodation from the District.

Breaks

1. The District will provide a reasonable amount of break time to an employee that wishes to express breast milk for the employee's infant child each time the employee has a need to express breast milk.
2. When possible, the District will ensure that the break time shall run concurrently with any break time already provided to the employee.
3. The District will not provide break time when to do so would seriously disrupt the operations of the District.
4. The District will not pay an employee for break time that does not run concurrently with rest time authorized by the Education Code or any collective bargaining agreement.

Lactation Space

1. The District will provide an employee with the use of a room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works if the space otherwise meets the requirements regarding lactation accommodation pursuant to this policy.
2. The District will ensure that the lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
3. The District will ensure that the lactation room or location complies with all of the following requirements:
 - a. Is safe, clean, and free from hazardous materials as defined in Labor Code § 6382.
 - b. Contains a surface to place a breast pump and personal items.
 - c. Contains a place to sit.
 - d. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump.

4. Where a multipurpose room is used for lactation, among other uses, the District will ensure that the use of the room for lactation shall take precedence over other uses, but only for the time the multipurpose room is in use for lactation purposes.
5. The District will provide 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, the District may provide another cooling device suitable for storing milk such as a District-provided cooler.
6. The District may comply with this section by designating a lactation location that is temporary, due to operational, financial, or space limitations. These temporary spaces shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, free from intrusion while the employee is expressing milk, and otherwise compliant with this lactation accommodation policy.
7. A District office or school site which is located in a multitenant building or multiemployer worksite may comply with this policy by providing a space shared among multiple employers within the building or worksite if the District cannot provide a location within the employer's own workspace.

Lactation Accommodation Request Process

1. The District's process by which an employee may make a lactation accommodation request is as follows: [Specify the process by which an employee must make a lactation accommodation request. For example, "the employee shall make a request in writing to the employee's immediate supervisor" or "the employee shall make a request in writing to the employee's site administrator."]
2. The District will respond to an employee's lactation accommodation request within [add number of days]. If the District cannot provide break time or a location that complies with this policy regarding lactation accommodation, the District will provide a written response to the employee within [add number of days a response must be provided].

Complaint Procedures

1. An aggrieved employee may file a complaint with the Labor Commissioner for a violation of any right under this policy. An employee may report a violation of this policy to the Labor Commissioner's field enforcement unit. The Labor Commissioner has the authority to issue a citation and impose a civil penalty in the amount of \$100.00 for each day that an employee is denied reasonable break time or adequate space to express milk.
2. The denial of reasonable break time or adequate space to express milk in accordance with this policy shall be deemed a failure to comply for purposes of Labor Code § 226.7.

Statement of Non-Discrimination

1. The District will not discharge, or in any other manner discriminate or retaliate against, an employee for exercising or attempting to exercise any right protected this policy.
2. An aggrieved employee who has been discriminated or retaliated against pursuant to this Statement of Nondiscrimination may file a complaint with the Labor Commissioner.

Distribution of Lactation Accommodation Policy

1. The District will include this policy in an employee handbook or set of policies that the District makes available to employees.
2. The District will distribute this policy to new employees upon hiring and when an employee makes an inquiry about or requests parental leave.

Undue Hardships – [this only applies to districts with fewer than 50 employees; delete this if you have 50 or more employees.]

1. The District may decline to implement a particular requirement of this policy if it would cause the District significant difficulty or expense when considered in relation to the size, financial resources, nature, and structure of the District. [NOTE – you may wish to consult with your legal counsel, delete this sentence, and remove particular elements from this policy if you believe you could demonstrate that implementing those elements will consistently cause the District “significant difficulty or expense when considered in relation to the size, financial resources, nature, and structure” of the District and its facilities.”]
2. If providing an employee with the use of a room or other location, other than a bathroom, would impose an undue hardship on the District, the District will still make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee’s work area, for the employee to express milk in private.