

ADMINISTRATIVE ORDER NUMBER 2-34

SUBJECT: Lactation Accommodation Policy

Responsible Department: Personnel Services

Date Issued: 5/1/2020

Date Revised:

Approved: *(Signature on File)*

PURPOSE

To establish a policy to ensure compliance with California Labor Code Section 1030 providing a reasonable amount of break time be afforded to employees desiring to express milk for the employee's infant child and that employees have access to a room where this may be done in private with adequate resources.

POLICY

California Law requires employers to provide employees who need to express milk with a space in proximity to the employee's work area shielded from view and free from intrusion while the employee is lactating. The time spent expressing milk runs concurrent with an employee's regular break time. However, if the time spent expressing milk runs longer than an employee's break, but still within a reasonable amount of time, the employee shall still be considered to be on a paid break.

Lactating employees shall advise their supervisor that they will be lactating and keep them informed of when the lactating will take place during the work day. If a lactating employee needs accommodation then the Supervisor will work with the employee and Personnel Services to conduct the good faith interactive process in order to facilitate an effective lactation accommodation either prior to returning to work or upon return to work.

Any action taken against a lactating employee that is in violation of the City's Discrimination and Harassment Policy is unacceptable and will not be tolerated. Any incidents which are found to be in violation of the policy may result in disciplinary action up to and including termination of employment.

FACILITIES

Employees will be provided the use of a clean, comfortable space for milk expression. A temporary space; protected from view and free from intrusion of coworkers and hazardous supplies will be provided for the employee. In addition to a designated quiet or lactation room, designated spaces could include an employee's private office, a supervisor's private office or a secured conference room.

Designated spaces are to be securable with a door that locks, equipped with an electrical outlet, contain comfortable seating with a table or other flat surface to hold a breast pump, and if there are windows they are to be covered to provide privacy. An ideal designated space would be near a sink with hot water and soap for hand washing and cleaning of equipment with access to a refrigerator for storage of expressed breast milk.

COMPLIANCE

Supervisors and managers shall respond to any request for lactation accommodation in a manner consistent with the procedures outlined in this policy. Supervisors and managers will be kept apprised of the employee's plans and lactation schedule. Any necessary modifications shall be brought to the supervisor's attention.

Lactating employees who believe they have been denied appropriate accommodation are encouraged to contact the Personnel Services Department or they may file a complaint with the Labor Commissioner for any violation of the law.