

Policy 4033 Lactation Accommodation

Status: ADOPTED

Original Adopted Date: 06/26/2024

Last Revised Date: 06/26/2024

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for a child while at work.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

Break Time and Location Requirements

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for a child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom,

which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. 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
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

06/24/2024

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

2 CCR 11035-11051

Civ. Code 43.3

Ed. Code 200-262.4

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Lab. Code 1030-1034

Lab. Code 6382

Federal

29 USC 207

Management Resources

CA Department of Industrial Relations

Description

[Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions](#)

[Right of mothers to breastfeed in any public or private location](#)

[Prohibition of discrimination](#)

[Definitions](#)

[Unlawful discriminatory employment practices](#)

[Unlawful discrimination based on pregnancy, childbirth, or related medical conditions](#)

[Lactation Accommodation](#)

[Procedure for listing hazardous substances](#)

Description

Fair Labor Standards Act

Description

Rest Periods/Lactation Accommodation, Frequently Asked

Publication
California Department of Public Health
Publication
CDC Publication
Fair Employment and Housing Commission
Decision
Federal Register

Health Resources & Services Admin
Publication
Office of the Surgeon General Publication

U.S. DoL, Wage and Hour Div., Publication
U.S. DoL, Wage and Hour Div., Publication

Website
Website

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Questions
Lactation Accommodation for Employers

Lactation Support Program Toolkit
Department of Fair Employment and Housing v. Acosta Tacos
(Chavez), FEHC Precedential Decision 09-03P, 2009
Reasonable Break Time for Nursing Mothers, December 21, 2010,
Vol. 78, No. 244, pages 80073-70079
The Business Case for Breastfeeding: Steps for Creating a
Breastfeeding Friendly Worksite, Toolkit, 2008
The Surgeon General's Call to Action to Support Breastfeeding,
2011

Frequently Asked Questions- Break Time for Nursing Mothers
Fact Sheet #73: Break Time for Nursing Mothers under the FLSA,
rev. April 2018
[CSBA District and County Office of Education Legal Services](#)
[California Department of Industrial Relations, Division of Labor and
Standards Enforcement](#)
[California Department of Public Health](#)
[California Women, Infants and Children Program](#)
[Centers for Disease Control and Prevention](#)
[Health Resources and Services Administration](#)
[Office of the Surgeon General](#)
[U.S. Department of Labor, Wage and Hour Division, Break Time for
Nursing Mothers](#)

Cross References

Code

0410
4030
4030
4112.9
4112.9-E(1)
4144
4144
4161.8
4212.9
4212.9-E(1)
4244
4244
4261.8
4312.9
4312.9-E(1)
4344
4344
4361.8

Description

[Nondiscrimination In District Programs And Activities](#)
[Nondiscrimination In Employment](#)
[Nondiscrimination In Employment](#)
[Employee Notifications](#)
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