

## City of Los Alamitos Administrative Regulation

Regulation: **4.19**

Title: **Lactation Accommodation in the Workplace Policy**

Authority: **City Manager**

Date: **August 30, 2023**

Revised:

DocuSigned by:

*Chet Simmons*

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**Chet Simmons, City Manager**

- 1. Purpose:** This policy establishes guidelines for compliance with California Senate Bill 142, promoting a breastfeeding friendly work environment, and supporting lactating employees at the City of Los Alamitos ("City").

The City is legally obligated to accommodate lactating employees and legally prohibited from discriminating, harassing or retaliating against them for expressing breast milk in the workplace.

- 2. Application:** The City supports the legal right and necessity of employees who choose to express milk in the workplace. The City expects employees and management to have a positive and supportive attitude toward employees who need to express milk during the workday.

Discrimination and harassment against lactating employees in any form is unacceptable, is a form of prohibited sex/gender discrimination, will not be tolerated, and will be addressed in accordance with the City's policy on discrimination and harassment.

Advanced notice is highly encouraged and appreciated to provide the City sufficient time to make accommodations and meet its obligations under the law.

In compliance with California Senate Bill 142, the City adopts the following procedures:

1. Place to Express Milk

- A room or location that is not a bathroom.
  - Restrooms shall not be utilized for lactation purposes. However, a separate private anteroom (e.g., women's lounge) or a separate private changing area within or next to a bathroom may be permissible if it meets the requirements detailed below.
  - The room or location must be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk. The law allows for temporary lactation locations due to operational, financial, or space limitations.
- The space designed as the lactation room or location must:
  - Be safe, clean, and free of hazardous materials.
  - Contain a surface to place a breast pump and personal items.
  - Contain a place to sit.

- Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, as needed to operate an electric or battery-powered breast pump.
- Have access to a sink with running water.
- Have access to a refrigerator for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, an employer may provide another cooling device suitable for storing milk, such as an employer-provided cooler.
  - Lactating employees are permitted to store breast milk in refrigerator and freezer units already otherwise provided to employees by the City for the storage of food. Breast milk should be clearly labeled. The City will not be responsible for any lost or stolen containers left in the refrigerator or freezer.
- The location may be the place where the lactating employee normally works if it meets the requirements detailed above. (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured).
- Areas such as closets or storage rooms are usually not appropriate spaces for lactation purposes. Closets or storage rooms that do not contain noxious materials may be converted to be acceptable private spaces assuming they have adequate ventilation and meet the rest of the requirements of this policy.
- If a multipurpose room is used for lactation, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes.

## 2. Time to Express Milk

- Employees are entitled to time, including, if necessary, breaks for lactation. Break times shall be established based on the employee's work schedule. If possible, the lactation break is to run concurrently with any break time already provided. The time used to travel to and from the employee's work area to the private space provided must not be included in the calculation of time used for the expression of breast milk and travel time would be paid time. Frequency of periods needed to express breast milk on a daily basis as well as duration of each individual period will likely vary for each employee.
- For non-exempt employees, lactation time beyond the regular paid rest break time is unpaid. At management's discretion, beginning or ending work times may be adjusted to accommodate these breaks.

## **3. Regulation:** Discrimination and Harassment Related to Breastfeeding or Expressing Milk is Prohibited. Federal and state law expressly prohibit harassment of and / or discrimination against lactating employees because they request accommodations to express milk at work and / or any employees suffering from a medical condition related to breastfeeding. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work and / or who lodge a complaint related to the right to lactation accommodations. Any incident of harassment of a lactating employee will be addressed in accordance with the City's policies and procedures for discrimination and harassment and in accordance with the law.

An employee cannot be discharged, discriminated against, or retaliated against for requesting lactation accommodation. Should an employee be denied proper lactation

accommodations without just cause, the employee may file a complaint with the State Labor Commissioner.

#### **4. Procedure:**

1. To request reasonable accommodations for lactation, an affected employee shall advise her supervisor and/or the human resources department of her request either verbally or in writing, ideally prior to taking leave, or upon returning to work. Newly hired employees requiring lactation accommodations shall request accommodations upon or soon after hire.
2. Supervisors and the Human Resources Division who receive a request for lactation accommodations will review the request and make accommodations in a timely manner that does not interfere with the employee's lactation needs. For non-office sites, the employee, the supervisor and the Human Resources Division should enter into a good faith interactive process to identify reasonable accommodations.
3. The City recognizes that experts recommend that babies be breastfed for at least the first year of life. The extent to which a lactating employee chooses to breastfeed is the personal and individual choice of the employee. Thus, the City will continue to support and accommodate the lactating employee for as long as the employee chooses to continue to express breast milk for the child.

#### **5. Requirements:**

1. A copy of this policy shall be provided to every employee upon adoption, at new employee orientations or transfers, to an employee both prior to and upon returning to work from leave or when requested.
2. This policy shall be posted in the City's Administrative Procedures Manual, and a copy shall be provided to employees and City departments. A copy of this Policy will also be provided to new employees upon hiring, and when an employee makes an inquiry about or requests parental leave.
3. This Policy will be included in sexual harassment trainings.
4. The City will provide a written response to the employee if the City cannot provide break time or a location that complies with the Policy.



## Lactation Accommodation in the Workplace Policy

### Accommodations Request Form

Employee Name: \_\_\_\_\_ Date of Request: \_\_\_\_\_  
Position Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Expected Accommodation Duration: \_\_\_\_\_

#### **Human Resources:**

All the below items must be checked off to meet SB 142 mandate.

- The room or location is not a bathroom.
  
- The room or location is in close proximity to the requesting employee's work area, and safe, clean, and free of hazardous material.
  
- The room or location is private and shielded from view; contains a surface to place a breast pump and personal items; contain a place to sit; have access to electricity and / or extension cord(s).
  
- The location or a location nearby has refrigeration available to store extracted breast milk.
  
- The breast milk is clearly labeled.

#### **Alternative Accommodation(s):**

In the event a suitable location is not able to be found due to building structural limitations, the employee and the City both acknowledges that the parties engaged in the interactive process and mutually agreed that the below is a reasonable and acceptable alternative accommodation(s) to the satisfaction of the requesting employee that meets the mandates of SB 142.

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\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
HR Representative

\_\_\_\_\_  
HR Representative Signature

\_\_\_\_\_  
Date