

SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

POLICY 32.020 - LACTATION ACCOMMODATION

Date: August 25, 2020
Revision No: New
Supersedes: New
First Adopted: August 25, 2020

PURPOSE

The Water Department (Department) recognizes the need to promote a work environment that is supportive of employees who breastfeed and wish to continue nursing their children when they return to work.

The purpose of this policy is to establish the Water Department's (Department) strong commitment to support the needs of employees who wish to express milk at work and establish guidelines for promoting a breastfeeding-friendly work environment supporting lactating employees for as long as they desire to express breast milk. The Department expects all employees to display a supportive attitude toward employees who need to express milk during the workday.

POLICY:

It shall be the policy of the Department to accommodate lactating employees' needs by providing them an appropriate place and reasonable time to express milk.

A. An Appropriate Place to Express Milk

The Department will provide an appropriate, private space for employees to express milk. A room or location can be made private by placing a message on the door that the room is in use, drawing blinds or curtains, covering windows, or setting up a portable partition.

1. The space must be in close proximity to the employee's work area. For the purposes of this policy "close proximity" means generally not more than a 5-minute walk.
2. The space must have the ability to be locked, shielded from view, and free from intrusion from coworkers and the public.

3. The space must be safe, clean, and free from hazardous materials.
4. The space must contain a surface to place a breast pump and personal items, comfortable seating, and have access to electricity or alternative devices needed to operate a breast pump.
5. Restrooms are prohibited from being utilized for lactation purposes.
6. The room or location may include the place where the employee normally works if it otherwise meets the requirements of an appropriate lactation space (e.g., the employee's private office, an unoccupied private office, a conference room that can be secured).
7. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for an appropriate space to express milk; however, use of the room for lactation takes priority over other uses.
8. Lactating employees will be provided access to a sink with running water and a refrigerator suitable for storing milk (or other suitable cooling device) in close proximity to their workspace.
9. For non-traditional worksites, the supervisor and Human Resources will work with the employee to provide reasonable lactation accommodation in compliance with this policy.

B. Reasonable Time to Express Milk

Employees are entitled to time, including if necessary, breaks for lactation. The Department recognizes that the frequency and duration of breaks to express milk will likely vary according to the needs of the individual employee. Lactation breaks shall be established for each employee based on the employee's needs and work schedule. If possible, lactation breaks should run concurrently with the employee's scheduled breaks and lunch period. The Department will make separate and/or additional lactation break time available to the employee subject to the employee's needs. For non-exempt employees, lactation time beyond the employee's regular paid rest break time is unpaid. At management's discretion and with supervisory approval, the employee may use accrued vacation, holiday, comp time, and/or administrative leave, if applicable, or beginning or ending work times may be adjusted to accommodate unpaid lactation break time.

PROCEDURE:

A. Employee Responsibility

Lactating employees may request lactation accommodation by submitting a Lactation Accommodation Request Form to their supervisor or Human Resources. The request should be made as soon as the employee becomes aware of the accommodation need, and preferably before returning to work, in order to provide the Department sufficient time to secure an appropriate lactation space and to make any other arrangements necessary to support the employee's lactation accommodation request.

B. Manager and Supervisor Responsibility

1. Review and respond to lactation accommodation requests within 5 business days of receipt by completing the Supervisor section of the Lactation Accommodation Request Form submitted by the employee.
2. Return the completed and signed form to the employee and send a copy to Human Resources.
3. Ensure that employees are provided with an appropriate lactation space and reasonable time to express milk, in accordance with this policy.
4. Contact Human Resources for advice and assistance if unable to locate an appropriate space in accordance with this policy or provide the lactation break time requested by the employee.

C. Dissemination of Policy

All employees shall receive a copy of this policy at time of hire and when making an inquiry about or requests pregnancy or parental leave. This policy may be updated from time to time and redistributed.

D. Discrimination, Harassment, and Retaliation is Prohibited

The Department expressly prohibits discrimination, harassment, and/or retaliation against lactating employees for exercising, or attempting to exercise, their rights to request lactation accommodation under this policy. This includes:

- a) The denial of a reasonable break time or adequate space to express milk.
- b) Employees who lodge a complaint related to the right to lactation accommodation.

E. Complaint Procedure

Employees who believe they have been denied a request for a reasonable lactation accommodation, or who believe they have been subject to discrimination, harassment, and/or retaliation should immediately report the prohibited conduct to Human Resources.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations. Complaints may also be filed with the Department of Fair Housing and Employment (DFEH), and/or the Equal Employment Opportunity Commission (EEOC).

Policy Review

Board Approved:

8/25/2020

No Changes:

7/2021



Lactation Accommodation Request Form

LACTATION ACCOMMODATION REQUEST FORM

Employee Name:	Division/Section:
Job Title:	Start Date for Requested Accommodation:

I have read the Department's Lactation Accommodation policy and I am requesting an accommodation to allow for lactation breaks while at work as follows (check all that apply):

Lactation breaks that run concurrently with rest breaks already provided. Current rest break times: _____

Lactation breaks in addition to already provided rest breaks (unpaid). Additional break time needed: _____

I am requesting to use my accrued leave to cover any unpaid lactation break time (only accrued vacation holiday, comp time, administrative leave, if applicable. Sick leave cannot be used).

I am requesting the following adjustment to my schedule to accommodate for unpaid lactation break time: _____

Employee Signature

Date

To be completed by the employee's supervisor and returned to the employee with a copy sent to Human Resources.

Date Received: _____

Request approved as submitted.

Request approved with the following modifications: _____

Request Denied for the following reason(s): _____

Supervisor Printed Name

Supervisor Signature