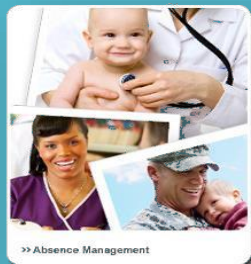


What Administrators Need to Know: Lactation Accommodations

Integrated Disability Management (IDM) Programs

Division of Risk Management & Insurance Services



Understanding Lactation Accommodations

- Lactation Accommodations Basics
- The District's Lactation Accommodations Policy
- Lactation Space
- Reasonable Break Time
- Employee Rights and Responsibilities
- Employer Responsibilities

Lactation Accommodations Basics

It's The Law: Federal and state laws require employers to provide lactation accommodations.

The Patient Protection and Affordable Care Act (the "Affordable Care Act") amended section 7 of the Fair Labor Standards Act (FLSA) provision; which requires employers to provide reasonable break time and a suitable place for an employee to express breast milk

California State Labor Code 1030 requires every employer provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child

Lactation Accommodations Policy

The District is legally obligated to accommodate lactating employees and legally prohibited from discriminating, harassing or retaliating against employees for expressing breast milk at work

The District supports the rights of its lactating employees, providing them suitable space and adequate time to express breast milk at work

The District recognizes that for lactating employees, expressing breast milk at work is a right and a necessity; not a luxury

The District will continue to support and accommodate the lactating employee for as long as the employee chooses to continue to express breast milk for the employee's child

Lactation Space

Administrators/Designees are to make reasonable efforts to provide the use of a room or other space for breast milk expression

The space for breast milk expression must be private and in close proximity to the employee's work area

The private space must be shielded from view and free from intrusion from co-workers and/or the public

The private space must be functional; having a power source available for equipment used to express breast milk

The private space can be a space that has been temporarily created, converted or made available when need by the employee for breast milk expression

Lactation Space

Acceptable temporary private spaces for breast milk expression include:

- A vacant office, classroom or conference room

- A first aid room or nurse's office

- A dressing room

By law and District policy, unacceptable and impermissible spaces for breast milk expression include:

- A bathroom or toilet stall

- A closet, even if private

Reasonable Break Time

Administrators/Designees are to provide a reasonable amount of time for breast milk expression as frequently as needed by the employee

Time used for breast milk expression shall, as practicable, run concurrently with any rest/meal period(s) already provided to the employee

Time used for breast milk expression that exceeds or does not otherwise run concurrently with any rest/meal period(s) already provided to the employee **may be unpaid*

**Time used for breast milk expression will be unpaid only if time used by non-lactating employees for breaks which exceed or do not otherwise run concurrently with rest/meal periods(s) already provided is likewise unpaid*

Time used for travel to and from the employee's work area to the private space provided must not be included in calculating time used for breast milk expression

Employee Rights & Responsibilities

Lactating employees who require time and/or private space for breast milk expression at work must:

- Affirmatively request time and/or private space either verbally or in writing

- Notify their Administrator/Designee of any lactation accommodation needs

- Meet with their Administrator/Designee to identify mutually agreeable lactation accommodations

Lactating employees are responsible for keeping milk expression areas clean

Lactating employees are permitted to store breast milk in refrigerator or freezer units already otherwise provided to all District employees

- *Breast milk should be labeled



Employer Responsibilities

Upon request, Administrators/Designees are directed to:

Make reasonable efforts to provide lactating employees with use of a room or other space to express breast milk in private, unless doing so would seriously disrupt District operations

Confer with lactating employees regarding an accommodation request in identifying suitable space

Provide lactating employees a reasonable amount of time to express breast milk as frequently as needed, unless doing so would seriously disrupt District operations

Be mindful not to potentially impede a lactating employee's breast milk production by unreasonably limiting the frequency or duration the employee is afforded to express breast milk

Evaluate the reasonableness of a lactation accommodations request on a case by case basis

Resources

FMLA/CFRA/PDL Guidance and Support	fmla@lausd.net
Los Angeles Unified School District's FMLA/CFRA/PDL website:	http://achieve.lausd.net/idm
BUL-6689.0 Lactation Accommodations	http://achieve.lausd.net/idm , go to "FMLA" then "Resources/Forms"
California Pregnancy Disability Leave Act	https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/pregnancy-disability-leave-faqs/
FMLA Regulations	https://www.dol.gov/whd/fmla/index.htm
CFRA Regulations	http://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations
Collective Bargaining Agreements on Staff Relations website:	From LAUSD's homepage: http://www.lausd.net , go to "Offices" then "Office of Labor Relations"
Personnel Commission Rules	From LAUSD's homepage: http://www.lausd.net , go to "Offices" then "Personnel Commission"