



<b>Lactation Accommodation</b>	Administrative Regulation No. 2.03
Effective Date: 4/6/2021 Revised/Superseded:	

Approved by City Manager: \_\_\_\_\_

DocuSigned by:

*Jovan Grogan*

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## **1. Overview of Purpose and Scope of this Regulation.**

- 1.1. The City recognizes the need to promote a work environment that is supportive of breastfeeding employees when they return to work and who wish to continue nursing their children.
- 1.2. The City encourages employees and management to have a positive, accepting attitude of working women and breastfeeding. The City's Lactation Accommodation Regulation shall be disseminated to every incoming employee and available for all City employees. In accordance with Federal and California State laws, it is the regulation of the City to accommodate nursing employees' lactation needs.
- 1.3. This regulation is an implementation of the City Manager's authority per the municipal code, Council resolutions, and Council minute order direction.

## **2. Definitions.**

- 2.1. The words, terms and phrases, when used in this Regulation, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

## **3. Lactation Break Time.**

- 3.1. A rest period shall be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks should consider the needs of the individual employee and her work location/circumstances, but should not exceed a reasonable timeframe and shall, if possible, be coordinated with the employee's regularly scheduled rest or meal periods. Reasonable efforts will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030). The lactation break should not be interrupted except for emergency or exigent circumstances.
- 3.2. To request an accommodation, please discuss with your supervisor and submit the completed "lactation accommodation request form" to Human

Resources. You are encouraged to reserve the room in advance by contacting Human Resources via phone (650-616-7055) or email (hr@sanbruno.ca.gov).

- 3.3. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. The City has an obligation to respond to all lactation accommodation requests.

#### **4. Private Location.**

- 4.1. The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall; 1) be safe, clean, and free of hazardous materials; 2) contain a surface to place a breast pump and personal items; 3) contain a place to sit; 4) have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump, including, but not limited to extension cords or charging stations; and 5) have access to a sink with running water and a refrigerator or cooling device suitable for storing milk close to the employee's workspace. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).
- 4.2. Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.
- 4.3. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

#### **5. No Discrimination, Harassment, Retaliation.**

- 5.1. Breastfeeding shall not constitute a source of discrimination in employment or in access to employment. Retaliation, harassment and discrimination in any way against an employee who expresses breast milk in the workplace, or requests to do so, is strictly prohibited.
- 5.2. Any incident of discrimination, harassment or retaliation against a breastfeeding employee will be addressed in accordance with the City's policies and procedures for discrimination, harassment and retaliation.

- 5.3.** An employee who has a complaint about any part of the process described under this Policy can file a complaint, orally or in writing, with their immediate supervisor, any supervisor or manager or Human Resources. Employees also 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.



LACTATION ACCOMMODATION FORM

The City of San Bruno provides a reasonable break time and adequate space in close proximity to the employee’s workspace for its employees to express milk in private, and all employees have the right to request a lactation accommodation. The City provides a private lactation room located in Human Resources that has a locking door, is shielded from view and free from intrusion, contains a surface to place a breast pump and personal items, has access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery-powered breast pump, contains a refrigerator to store expressed milk, and is in close proximity to a kitchen sink.

To request an accommodation, please discuss with your supervisor and submit the completed “lactation accommodation request form” below to Human Resources. You are encouraged to reserve the room in advance by contacting Human Resources via phone (650-616-7055) or email (hr@sanbruno.ca.gov). Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. The City has an obligation to respond to all lactation accommodation requests. Employees have the right to file a complaint with the California Labor Commissioner’s Office for any violation of the law.

LACTATION ACCOMMODATION REQUEST FORM

Employee Name

Department

Cell Phone Number

Please provide approximate start/end dates for the requested lactation accommodation, as well as approximate times during the day(s) that you may require a lactation accommodation:

START DATE

END DATE

Table with 6 columns: DAY(S), MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY. The first row is labeled TIME(S) and the rest are empty.

Employee Signature

Date

Supervisor Signature

Date

Department Head Signature

Date

Human Resources Signature

Date