

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: February 29, 2008

To: Principals, Division and Department Heads, Child Development Center Administrators

Subject: LABOR CODE – LACTATION ACCOMMODATIONS

Department and/or Persons Concerned: Site administrators

Due Date: Immediately

Reference: Labor Code Section 1030-1033

Action Requested: Comply with law

Brief Explanation:

Pursuant to Labor Code Sections 1030 through 1033, all California employers are required to:

- Provide a reasonable amount of additional break time to accommodate an employee desiring to express breast milk for the employee’s infant child. If possible, the break time should run concurrently with the employee’s break time.
- Make a reasonable effort to provide the employee with the use of a room or other sanitary location (other than a toilet stall), in close proximity to the employee’s work area, so that the employee may express breast milk in private.

The collective bargaining agreements for the various employee groups in the district have specific language regarding paid break times (or rest periods) and lunch breaks in the Hours of Employment article of each contract. If an employee is lactating and informs her site administrator, manager, or supervisor of her need for additional break time to express breast milk, **a reasonable amount of additional break time must be provided**. The only exception is “if to do so would **seriously** disrupt the employer’s operations.” If an exemption is necessary, please obtain advice from the district’s legal counsel prior to denying additional break time to an employee who is lactating.

Additionally, employers must make a **reasonable effort** to provide a private location for the employee to use when expressing breast milk. Since most sites may only have an occasional employee needing this accommodation, it is not necessary to have a permanent space for this purpose, and the issue may be addressed on a case-by-case basis. With a large facility, such as the

Eugene Brucker Education Center, a permanent space has been designated for employees for this purpose. The permanent space is a small, private room located in Room 1202.

Statistics show that 33 percent of new mothers return to work within three months of delivery and 66 percent return within six months of delivery. The American Academy of Pediatrics recommends that women breastfeed until their children are at least one year of age. It is therefore important that site administrators, managers, and supervisors assist female employees who choose to breastfeed by reducing barriers in the work place.

Resources are available to assist in complying with the law. A copy of the law may be viewed at <http://www.dir.ca.gov/DLSE/Regulations.htm>. After reaching this site, select Labor Code Sections 1030-1033. In addition, the Department of Health Services has developed a variety of materials which are posted on the Department's Women, Infants and Children (WIC) Supplemental Nutrition Branch's web site, www.wicworks.ca.gov. After reaching the WIC Branch home page, click on Breastfeeding Resources. There are many ideas for ways to support breastfeeding mothers, including a downloadable flyer for display in employee break rooms. There is also assistance available from the lactation accommodation help line at (888) 278-6455.

Failure to comply with any provision of this law places the district at risk. The district may be subject to a monetary civil penalty by the Labor Commissioner for each instance of non-compliance.

Questions may be directed to Donis Armenta, Director, Classified Personnel, at (619) 725-8071 or e-mail to darmenta@sandi.net.

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APPROVED:



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RGP:mk

Distribution: Lists A, C, D, E, F, and M