

LACTATION BREAK POLICY

PURPOSE & SCOPE: The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

POLICY: Under federal law, employees have the right to request lactation accommodations to express breast milk for a period of one year after the child's birth. (29 USC 218D (a)(1))

In compliance with the Fair Labor Standards Act, it is the policy of the San Francisco Community College District (District) to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for their nursing infant child (29 USC § 207; Labor Code § 1030).

LACTATION BREAK TIME: For up to one year after a child's birth, a rest period shall be permitted each time the employee has the need to express milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee for authorized/regularly scheduled rest or lunch periods.

While a reasonable effort 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). However, employees may use their accrued sick leave to supplement time taken for additional time beyond authorized breaks. If sick leave is exhausted, employees may use other available leave accrual time, such as vacation, compensation time earned, floating holidays, etc.

Employees are to notify their supervisor or other appropriate personnel prior to taking a lactation break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032). Once a lactation break is approved, the break should not be interrupted except for emergency or exigent circumstances. If lactation accommodations are denied, the District shall provide a written response to the employee regarding the reasons for denial (Labor Code § 1034).

PRIVATE LOCATION: The District will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private, and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

The District will ensure this private room or location complies with the following:

- Will be close in proximity to the employee's work area and shielded from view and free from intrusion while in use;
- Will be safe, clean, and free from hazardous materials (Labor Code § 6382);
- Will have a surface to place a breast pump and personal items;
- Will have a place for the employee to sit;
- Will have access to a sink with running water and a refrigerator or other cooling device suitable for storing milk; and
- Will have access to electricity needed to operate an electric or battery-powered breast pump.

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes (Labor Code § 1031).

Contact the Human Resources Department, Employee Leaves Unit for a list of designated locations.

STORAGE OF EXPRESSED MILK: Lactating employees may store breast milk in a refrigerator or freezer unit already otherwise provided to employees by the District for storage of food. The District will not be responsible for any lost or stolen containers left in a refrigerator or freezer.

PROTECTIONS AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION RELATED TO BREASTFEEDING OR LACTATION: Federal and state laws prohibit harassment of or discrimination against lactating employees because they request reasonable accommodations to express milk at work or suffer from a medical condition related to breastfeeding. Discrimination, harassment and/or retaliation against employees who request lactation accommodations is prohibited. Any incident of discrimination, harassment or retaliation of a lactating employee will be addressed in accordance with the District's policies and procedures for discrimination or harassment complaints, and in accordance with state law.

Employees may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code sections 1030 et seq. An employee may file a complaint with the U.S. Department of Labor Wage and Hour Division for any alleged violation of the Fair Labor Standards Act as amended by the Providing Urgent Maternal Protections ("PUMP") for Nursing Mothers Act. Before filing a private action related to a lactation location that is out of compliance with the PUMP Act, the employee must provide the District with notice and provide the District with 10 calendar days to come into compliance with the act (29 USC 218D (g)(1)).

LACTATION BREAK FORM

New Request

Request for Alteration

Name: _____	ID#: _____	Class/Title: _____
Contact No.: _____	Email: _____	Dept.: _____
Supervisor: _____	Employee Signature _____	Date: _____
Birthdate of Child: ___/___/___ Start Date for Requested Accommodation: ___/___/___	Work Schedule: Days per week: _____ Hours per day: _____	
<ul style="list-style-type: none"> To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee for regularly scheduled breaks or lunch period. While a reasonable effort 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). FT employees are allowed two (2) 15-minute breaks per day; PT employees who work a continuous shift of at least 3.5 hours per day are allowed one (1) 15-minute break after two (2) consecutive hours of work. Employees assigned for five (5) or more hours of work in any day shall be entitled to an unpaid, uninterrupted lunch period. The length of lunch period shall be not less than one-half (1/2) hour nor longer than one (1) hour and scheduled at the midpoint of each work shift. 		
Authorized breaks & lunch period	Additional Time beyond authorized breaks	
Break 1: Start and End Time ___:___ to ___:___	Break 1 additional time: Start and End Time ___:___ to ___:___	
Break 2: Start and End Time ___:___ to ___:___	Break 2 additional time: Start and End Time ___:___ to ___:___	
Lunch: Start and End Time ___:___ to ___:___		
	Additional lactation breaks:	
	Additional Break: Start and End Time ___:___ to ___:___	
	Additional Break: Start and End Time ___:___ to ___:___	

YOU MAY BE CONTACTED BEFORE YOUR RETURN TO WORK TO DISCUSS THE REQUESTED LACTATION ACCOMMODATION AND ASSIST YOU IN TRANSITIONING BACK TO THE WORKPLACE AS A NURSING PARENT.

PRINT NAME/TITLE	SIGNATURE	DATE	APPROVE	DENY (¹ Attach Reason)
(Employee's Supervisor)				
(Personnel Officer/Designee)				

cc: Leave/Medical File

Attachment: list of Lactation Rooms

¹ Lactation accommodations may be denied only in limited circumstances in accordance with law (Labor Code § 1032; 29 U.S.C.201 et seq.). If lactation accommodations are denied, the District shall provide a written response to the employee regarding the reasons for the determination.

Lactation Rooms

Ocean Campus

MUB: Room 145, 147 and 355

The Child Development & Family Studies Department operates “Effie’s Room” in the Campus Center at Bungalow 213 on the Ocean Campus. The area is open on a first-come, first serve basis during the school year and is generally open between 9 – 4 daily. Funded by the Orfalea Foundation, the lactation center provides support to new breastfeeding moms who are working or attending school. Questions on usage may be directed to 415/452-5903.

Chinatown/North Beach Center

1. Room 104K for students
2. Room 1005A for faculty and staff

Downtown Center

1. Room 111

Evans Center

1. Room 109

John Adams Center

1. Room 201A

Mission Center

1. Room 125