



City of Santa Ana
Administrative
Policies and Procedures

A handwritten signature in black ink, likely of the City Manager.

City Manager's Authorization

Section

Human Resources Department

Subject

LACTATION ACCOMODATION POLICY

Date

March 2022

Number

I. PURPOSE

Pursuant to California Labor Code §§ 1030-1034, this policy provides guidelines for promoting a breastfeeding-friendly work environment, and to support lactating employees at the City. Employees are legally entitled to request a lactation accommodation as outlined in this Policy.

II. POLICY

The City supports the legal right and necessity of employees to express milk in the workplace. It is expected that all employees have a positive and supportive attitude toward employees who need to express milk during the workday.

Discrimination against and harassment of lactating employees in any form, and retaliation against lactating employees for requesting a lactation accommodation or engaging in other protected activity, is unacceptable and will not be tolerated. All incidents of prohibited conduct shall be handled in accordance with the City's Policy against Harassment, Discrimination, and Retaliation.

Lactating employees are entitled to request lactation accommodations. It is the responsibility of an employee to inform their supervisor of their need for a lactation accommodation and to make appropriate arrangements.

It shall be the policy of the City to provide:

Reasonable Time to Express Milk

Employees are entitled to a reasonable amount of break time for expressing milk for an infant child. Break times shall be established based on the employee's work schedule. If possible, the lactation break is to run concurrently with any break time already provided.

Frequency of periods needed to express breast milk on a daily basis as well as duration of each individual period will likely vary for each employee. For FLSA non-exempt employees, lactation time beyond the regular paid rest break time is unpaid.

An Appropriate Place to Express Milk

The City will provide a lactation room or location for employees to express milk in private. This may include the place where the employee normally works. The space may be designated temporarily and the space may be for multi-purpose use, if it otherwise complies with this policy, but lactation shall take precedence when used for lactation purposes. The lactation room or location provided must be in close proximity to the employee's work area and be

shielded from view and free from intrusion. The space must be safe, clean, and free from hazardous materials. The space must contain a surface to place a breast pump and personal items, a place to sit, and have access to electricity or alternative devices needed to operate a breast pump. The lactation room or location shall not be a bathroom. The City will not be responsible for any lost or stolen personal items left in the lactation space, including but not limited to pumping and related equipment.

Lactating employees shall be provided access to a sink with running water and a refrigerator suitable for storing milk (or other cooling device suitable for storing milk) in close proximity to the their workspace. Breast milk must be clearly labeled by the lactating employee, especially if the breast milk will be stored in a breakroom/lunchroom refrigerator or a refrigerator that is shared with other employees for food storage. The City will not be responsible for any lost or stolen containers left in the refrigerator or freezer.

III. PROCEDURE

Procedure for Requesting a Lactation Accommodation:

- a. An employee must inform their supervisor in writing of the need for a lactation accommodation and the anticipated break time requested.
- b. The supervisor will forward the employee's written notice to the City's EEO/ADA Administrator (in the Human Resources Department).
- c. Requests for lactation accommodations will be reviewed and responded to within one (1) workday from date of receipt by the City's EEO/ADA Administrator.
- d. The City reserves the right to deny an employee's request for a single lactation break if the additional break time will seriously disrupt the operations of the City.
- e. The City shall provide a written response to the employee if it is unable to provide break time or a location that complies with this policy.

Employees who believe they were denied a request for a reasonable lactation accommodation, or who believe they have been subject to discrimination, harassment, retaliation shall have the right to report the prohibited conduct to the Human Resources Department. In addition, employees have the right to file a complaint with the State of California Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

IV. RESPONSIBILITY

The Human Resources Department shall be responsible for ensuring that the City's lactation accommodation program is legally compliant, and for advising supervisors and requesting employees of their rights and responsibilities.