



# LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

**TITLE:** Lactation Accommodations for Employees

**NUMBER:** BUL-6689.0

**ISSUER:** David Holmquist, General Counsel  
Office of General Counsel

**DATE:** May 17, 2016

**POLICY:** This policy provides information and guidance.

All Employee's  
All Locations

The Patient Protection and Affordable Care Act (P.L. 111-148, known as the “Affordable Care Act”), Fair Labor Standards Act, California Labor Code (§§1030-1033), California Code of Regulations and Fair Employment and Housing Act prohibit discrimination, harassment and retaliation of lactating employees, as well as afford particular accommodation rights to lactating employees

**MAJOR CHANGES:** This is a new bulletin.  
The following guidelines apply:

**GUIDELINES:** **I. BACKGROUND**

Federal and state law require employers to accommodate and provide suitable space for employees who choose to continue breastfeeding following their return to work after the birth of a child. Many employees who breastfeed believe that breastfeeding provides numerous health and developmental benefits for their child. As detailed below, expressing breast milk at work for these employees is a necessity and a legal right. The Los Angeles Unified School District is legally obligated to accommodate lactating employees and legally prohibited from discriminating, harassing or retaliating against them for expressing breast milk at work.

A. Support for Lactating Employees

It is the aim of the Los Angeles Unified School District to create an environment which not only accommodates the need of lactating employees to express breast milk at work, but which celebrates the choice to do so.

B. Breast Milk Expression Is a Right and a Necessity

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



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breastfeeding and breast milk expression, while both rewarding and beneficial, can sometimes be cumbersome, awkward and laborious for the lactating employee. Even so, lactating employees who choose to express breast milk do so because they believe it will give their child the best possible chance at a healthy and bright future. The District supports the rights of its lactating employees, providing them suitable space and adequate time to express breast milk at work.

## **I. EMPLOYEE RESPONSIBILITIES**

A lactating employee who requires time and/or private space to express breast milk at work must affirmatively request time and/or private space to do so, either verbally or in writing. Requests to express breast milk at work are to be directed to the lactating employee's Supervisor or Administrator.

1. Notify your administrator/designee of any lactation accommodation needs.
2. Meet with your administrator/designee to identify mutually agreeable lactation accommodations.

## **II. RESPONSIBILITIES OF ADMINISTRATORS AND SUPERVISORS**

- A. Administrators and Supervisors are required to reasonably provide lactating employees adequate time and suitable space to express breast milk in private. Private Space for Breast Milk Expression

Upon receiving a request from a lactating employee to express breast milk at work, Administrators and Supervisors are directed to make reasonable efforts to provide the lactating employee with the use of a room or other space to express breast milk in private, unless doing so would seriously disrupt the operations of the District.

Administrators and Supervisors are required to confer with the employee regarding an accommodation request in identifying suitable space.

1. Private Space in Close Proximity to Work Area

The private space provided must be in close proximity to the employee's work area.

The private space provided may include the place where the employee normally works (employee's own office/classroom), but only in the event the space otherwise meets the requirements of this Bulletin.



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## 2. Private Space Shielded from View

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

## 3. Uninterrupted Time

Time utilized by a lactating employee for the expression of breast milk during the work day must be uninterrupted unless there is an emergency or other extenuating circumstance necessitating an interruption by the Administrator or Supervisor. In such instances, the Administrator or Supervisor should take precaution to ensure the lactating employee's privacy is respected, as much as is reasonably possible.

## 4. Private Space Functional for Expressing Breast Milk

The private space provided must be functional (having access to a power source for a breast pump or any other equipment used to express breast milk) as a space for expressing breast milk. If the space is not exclusively dedicated to the lactating employee's use, it must be made reasonably available when needed by the employee.

## 5. Temporary Private Space

A space temporarily created or converted into a space for expressing breast milk or made available when needed by the employee is sufficient, provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Examples of acceptable temporary private space could include:

- a vacant office, classroom or conference room
- a first aid room/nurse's office
- a dressing room

## 6. Impermissible Space for Expressing Breast Milk

The law expressly provides that a bathroom, toilet stall or closet, even if private, is not a permissible private space for expressing breast milk.

## 7. Employees Assigned to District Headquarters and Local Districts

The District provides multiple private and semi-private spaces at District Headquarters which are designated exclusively for expressing breast milk.



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The District provides private space at each Local District which is designated exclusively for expressing breast milk.

## 8. Employees Assigned to Schools and Other Locations

School administrators and supervisors in other locations must identify and provide suitable space in compliance with this Policy.

## 9. Storage of Breast Milk

Lactating employees are permitted to store breast milk in refrigerator and freezer units already otherwise provided to all employees by the District for the storage of food. Breast milk should be clearly labeled. The District, however, will not be responsible for any lost or stolen containers left in the refrigerator or freezer.

### B. Frequency and Duration of Lactation Accommodation

Administrators and Supervisors are directed to provide lactating employees a reasonable amount of time to express breast milk as frequently as needed by the employee, unless doing so would seriously disrupt the operations of the District.

#### 1. Production of Breast Milk

The District recognizes that a lactating employee's body produces breast milk as it is used, *i.e.*, the more that is expressed, the more the body produces. If less is expressed, the body will begin to produce less. How often a lactating employee expresses breast milk and the duration she expresses may impact the employee's breast milk production.

Thus, Administrators and Supervisors are directed to 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.

#### 2. Typical Frequency and Duration of Breast Milk Expression

The District recognizes that typically, a lactating employee needs to express milk approximately every two to three hours for approximately 15 minutes to a half hour, depending on breast milk production, her experience level, her surroundings, and other conditions.

#### 3. Frequency and Duration of Breast Milk Expression May Vary

The frequency of periods needed to express breast milk on a daily basis as well as the duration of each individual period will likely vary with



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each lactating employee. Thus, Administrators and Supervisors are directed to evaluate the reasonableness of a lactating employee's request to express breast milk on a case by case basis.

#### 4. Use of Rest/Meal Period(s) to Express Breast Milk

Time used by lactating employees for the expression of breast milk can run concurrently with any rest/meal period(s) already provided to the employee.

#### 5. Use of Unpaid Time to Express Breast Milk

Time used by lactating employees for the expression of breast milk that exceeds or does not otherwise run concurrently with rest/meal period(s) already provided to the employee may be unpaid, but only if time used by non-lactating employees for breaks which exceed or do not otherwise run concurrently with rest/meal period(s) already provided is likewise unpaid (*e.g.* smoke break).

#### 6. Time Traveling to Private Space

The time used to travel to and from the employee's work area to the private space provided must not be included in the calculation of time used for the expression of breast milk. This time would be paid time.

#### 7. Ultimate Extent of Breast Milk Expression Is Employee's Choice

The District recognizes that many experts recommend that infants be breastfed for at least the first year of life. The ultimate extent a lactating employee chooses to breastfeed her child is the personal and individual choice of the employee. Thus, the District will continue to support and accommodate the lactating employee for as long as she chooses to continue to express breast milk for her child.

### **III. PROHIBITION OF HARASSMENT, DISCRIMINATION, RETALIATION OF LACTATING EMPLOYEES**

Federal and state law and the District expressly prohibit harassment of and/or discrimination against lactating employees because they request accommodations to express milk at work and/or any employees suffering from a medical condition related to breastfeeding. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.

#### **RELATED RESOURCES:**

Bulletin 6612.0, subject "Non-Discrimination And Anti-Harassment (Including Sexual Harassment) Policy and Complaint Procedure," issued by the Office of the General Counsel, dated November 10, 2015, provides the District's policy against



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discrimination and harassment in the workplace and the procedures for responding to complaints of discrimination and harassment.

**ASSISTANCE:** For assistance with complaints relating to lactation accommodation, please call the Equal Employment Opportunity Section at (213) 241-7685.

Local District:

Integrated Disability Management: