

## **Lactation Break Policy**

### **1015.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child. (29 U.S.C. § 207 and Lab. Code, §§ 1030-1034.)

### **1015.2 POLICY**

It is the policy of this the Department of State Hospitals (DSH) to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child. (29 U.S.C. § 207 and Lab. Code, § 1030.)

### **1015.3 LACTATION BREAK TIME**

A rest period should be permitted each time the employee has the need to express breast milk. (29 U.S.C. § 207.) 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. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal 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 (Lab. Code § 1030).

Employees desiring to take a lactation break shall notify the Communication Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations. (Lab. Code, § 1032.)

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

#### **1015.4 PRIVATE LOCATION**

DSH 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. The location must be shielded from view and free from intrusion from co-workers and the public. (29 U.S.C. § 207 and Lab. Code, § 1031.)

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.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

#### **1015.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any employee-authorized refrigerated area within a DSH facility shall clearly label it as such and shall remove it when the employee ends her daily shift.

##### **1015.5.1 STATE REQUIREMENTS**

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Lab. Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Lab. Code § 1 33).