

ADMINISTRATIVE CIRCULAR NO. 17
Office of the Chief Human Resources Officer

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: October 12, 2020

To: Principals, Vice Principals, Division and Department Heads

Subject: LACTATION ACCOMMODATIONS- Labor Code

**Department and/or
Persons Concerned:** All District Supervisors, Managers, Site administrators, Directors and Chiefs

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 private room located in the back area between wing A and B on the first floor (use door 4 to access).

Resources are available to assist in complying with the law. A copy of the law may be viewed at https://www.dir.ca.gov/dlse/Lactation_Accommodation.htm . After reaching this site, see 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, search 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 Acacia Thede, Chief Human Resources Officer, at (619) 725-8043 or e-mail to athede@sandi.net .

APPROVED:



Acacia Thede
Chief Human Resources Officer

Attachments (2): 1. Apoyo Para Amamantar En El Lugar Laboral En California
2. Workplace Breastfeeding Support in California

AT:rh