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# MARIN COUNTY OFFICE OF EDUCATION

## Board Policy

### Lactation Accommodation

BP 4033

#### Personnel

The County Superintendent of Schools recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any County Office of Education employee to express milk for an infant child upon returning to work following the birth of the child. The Superintendent prohibits discrimination, harassment, and/or retaliation against any County Office of Education employee for seeking an accommodation to express breast milk for an infant child while at work.

(cf. 4030 - Nondiscrimination in Employment)

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The County Office of Education shall include this policy in its employee handbook or in any set of policies that the County Office of Education makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

#### Break Time and Location Requirements

The County Office of Education shall provide a reasonable amount of break time to

accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

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)

#### Dispute Resolution

If a County Office of Education employee is not satisfied with the results of an internal County Office of Education complaint procedure, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

(cf. 4144/4244/4344 - Complaints)

#### Legal Reference:

EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

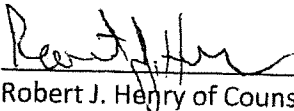
CIVIL CODE

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43.3 Right of mothers to breastfeed in any public or private location  
GOVERNMENT CODE  
12926 Definition of sex; breastfeeding  
12940 Unlawful discriminatory employment practices  
12945 Unlawful discrimination based on pregnancy, childbirth, or related medical conditions  
LABOR CODE  
1030-1034 Lactation accommodation  
6382 Procedure for listing hazardous substances  
CODE OF REGULATIONS, TITLE 2  
11035-11051 Unlawful sex discrimination; pregnancy and related medical conditions  
UNITED STATES CODE, TITLE 29  
207 Fair Labor Standards Act; lactation accommodation

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Approved as to form:



Robert J. Henry of Counsel

Approved by Marin County Board of Education : April 14, 2020