

# LACTATION PROGRAM

## 1. PURPOSE:

To establish the policies and practices for lactation support and accommodations and to ensure continued compliance with all applicable federal and state laws and regulations.

## 2. ORGANIZATIONS AFFECTED:

All organizational units of the University, including Auxiliary organizations.

## 3. REFERENCES:

3.1. [California Senate Bill \(SB\), Section 142](#)

3.2. [California Labor Code Sections 1030-1034](#)

## 4. POLICY:

California State University, Los Angeles (Cal State LA) recognizes the importance and benefits of providing lactation support and accommodations to faculty and staff who need to express milk. In compliance with federal and state law, Cal State LA will provide all lactating employees with adequate break time and private lactation rooms to express milk. It shall be the policy of Cal State LA to provide:

### 4.1. Reasonable Amount of Break Time

4.1.1. Lactating employees have the right to a reasonable amount of break time each time the employee has the need to express milk. If possible, the break time shall run concurrently with the break time already provided to the employee. Break time that does not run concurrently with an employee's authorized break time will be determined in accordance with the employee's respective Collective Bargaining Agreement.

4.1.2. A reasonable amount of break time is typically twenty (20) to thirty (30) minutes, two (2) to three (3) times per day. However, the necessary amount and frequency of required break time is impacted by individual needs and proximity to lactation spaces. As such, a reasonable amount of break time for a lactating employee should be determined on a case-by-case basis.

4.1.3. The break schedule should be based on the employee's needs and the operational needs of the department.

## 4.2. Location to Express Milk

4.2.1. Cal State LA shall provide an appropriate, private space, in close proximity to a lactating employee's work area, for the employee to express milk. The private space shall:

- 4.2.1.1. Not be a restroom;
- 4.2.1.2. Be shielded from view and free from intrusion while the employee is expressing milk;
- 4.2.1.3. Be safe, clean and free of hazardous materials;
- 4.2.1.4. Contain a surface to place a breast pump and other personal items;
- 4.2.1.5. Contain a place to sit; and
- 4.2.1.6. Have 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.

4.2.2. Cal State LA shall provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's work area.

- 4.2.2.1. Cal State LA shall provide lactating employees with a cooler bag for breast milk storage upon request. The cooler bag may be kept in the employee's work area or a refrigerator that is in close proximity to the employee's work area.

4.2.3. Lactating employees may use designated lactation rooms on campus to express milk.

4.2.4. A lactating employee may choose to use the place where the employee normally works, such as the employee's private office, if it meets the above requirements for such space.

4.2.5. Where a multipurpose room (such as a conference room or vacant office) is used for lactation, the use of the room for lactation shall take precedence over the other uses, but only for the time it is in use for lactation purposes.

4.2.6. Alternative temporary lactation spaces may be designated by Human Resources Management (HRM), as needed, on a case-by-case basis.

## 5. PROCESS FOR REQUESTING LACTATION ACCOMMODATION:

Employees have the right to request a lactation accommodation.

5.1. To request a lactation accommodation, an employee shall discuss their accommodation needs with their appropriate administrator as soon as possible. Such discussions should include a mutual agreement regarding frequency and timing of breaks, typically two (2) to three (3) times per day for twenty (20) to thirty (30) minutes, and the availability of lactation spaces in close proximity to the employee's workspace. Employees' lactation needs may vary and accommodations should be determined on a case-by-case basis.

5.1.1. If an employee and their appropriate administrator are unable to reach an agreement, the employee shall reach out to HRM for assistance.

5.2. Employees who wish to use the designated lactation rooms on campus should register online or in person with HRM, to gain access to the rooms.

5.3. If the designated lactation rooms on campus are not in close proximity to an employee's work area, then the employee may work with HRM to find a temporary lactation location on campus.

5.4. If Cal State LA is unable to comply with an employee's request for a lactation accommodation, HRM will provide a written response to the employee's request.

## 6. RESPONSIBILITIES:

Cal State LA shall not discharge, or in any other manner discriminate or retaliate against, an employee for exercising or attempting to exercise their right to a lactation accommodation.

### 6.1. Employees

6.1.1. Employees are responsible for initiating the lactation accommodation process with their appropriate administrator.

6.1.2. Employees are encouraged to discuss their lactation accommodation needs with their appropriate administrator, both upon return to work and as needs change.

6.1.3. Employees who store breast milk in shared refrigerators shall place the milk in a personal cooler bag with their name on it. Employees may bring their own cooler bag or use the cooler bag requested from HRM. All breast milk should be removed from shared refrigerators by the end of each day.

## 6.2. Appropriate Administrators

- 6.2.1. Appropriate administrators shall meet with an employee who requests a lactation accommodation within five (5) Working Days of the employee's request, to discuss the employee's accommodation needs and respond to the employee's accommodation request.
- 6.2.2. Appropriate administrators are encouraged to allow flexible scheduling, if possible, to accommodate lactation breaks.
- 6.2.3. Appropriate administrators shall keep a record of all employee lactation accommodation requests, including the employee's name, steps taken to accommodate the employee and the accommodation the appropriate administrator granted to the employee, for three (3) years.
- 6.2.4. Appropriate administrators shall consult with HRM before denying an employee requested lactation space or break time to express milk.
- 6.2.5. Appropriate administrators shall not take any negative employment action against an employee who requests an accommodation under this policy.

## 6.3. Human Resources Management (HRM)

- 6.3.1. HRM shall ensure that this policy is regularly reviewed and make revisions to the policy as needed to ensure legal compliance.
- 6.3.2. HRM shall maintain a list of designated lactation rooms on campus and ensure that the list is available to all employees online.
- 6.3.3. HRM shall distribute a copy of this policy to all new employees upon hiring, upon request and when an employee makes an inquiry about or requests parental leave.
- 6.3.4. HRM shall resolve issues between employees and appropriate administrators related to lactation accommodations.
- 6.3.5. HRM shall help employees access designated lactation rooms on campus upon request.
- 6.3.6. HRM shall provide employees with a cooler bag for breast milk storage upon request.

6.3.7. HRM shall keep a record of all employee requests to use designated lactation rooms on campus for three (3) years.

6.3.8. HRM shall provide an employee with a written response to a lactation accommodation request if Cal State LA is unable to accommodate the employee's request.

7. COMPLAINTS:

7.1. Discrimination, harassment or retaliation towards a lactating employee or any employee who requests an accommodation under this policy is prohibited and will be addressed in accordance with the procedures set forth in Executive Order 1095, 1096 and 1097 (or their successor orders).

7.2. Employees also have the right to file a complaint with the Labor Commissioner for any violation of a right provided under California Labor Code Sections 1030-1034.