

# CITY OF LOS ANGELES LACTATION ACCOMMODATION POLICY

## Introduction

The City of Los Angeles recognizes the need to promote a work environment that is supportive of breastfeeding employees who wish to continue nursing their children when they return to work. Allowing employees to express milk at work is beneficial not only to the employee, but also the employer and the community. Women who breastfeed recover faster after childbirth and have a reduced risk of breast cancer, ovarian cancer, and osteoporosis. Common childhood illnesses are less frequent and less severe among breastfed infants. Breastfeeding also reduces the risk of more serious diseases like meningitis, diabetes, and allergies, as well as chronic diseases, especially obesity, which impacts our economy by increasing costs for healthcare and lost productivity throughout the lifespan. Healthier employees and babies mean fewer employee absences and lower health care costs.

## Statement of Policy

The City encourages employees and management to have a positive, accepting attitude of working women and breastfeeding. The City's Lactation Accommodation Policy shall be disseminated to every incoming employee. In accordance with Federal and California State laws, it is the policy of the City to accommodate nursing employees' lactation needs by providing:

### 1. Time to Express Milk or Breastfeed (Lactation Time)

- 1.1. If possible, the lactation time should be the same as the employee's regular break time.
- 1.2. The Department must make separate time available if an employee needs extra or different time than their regularly scheduled breaks. Any time beyond the employee's regular break time will be unpaid. At management discretion, beginning or ending work times may be adjusted to accommodate these breaks.

### 2. An Appropriate Private Location

- 2.1. Appropriate private space shall be provided with reasonable efforts made for the location to be in close proximity to the nursing employees' work area. The space should be equipped with an electrical outlet and comfortable seating.
- 2.2. The location may be the place where the nursing mother normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured).
- 2.3. Areas such as restrooms, closets or storage rooms are usually not appropriate spaces for lactation purposes. However, a separate anteroom (women's lounge) or a separate changing area within or next to a bathroom is permissible. Closets or storage rooms that do not contain noxious materials may be converted to be acceptable private spaces.
- 2.4. For non-traditional worksites, the employee and the supervisor and/or the Department's Reasonable Accommodation Coordinator should enter into a good faith interactive process to identify reasonable accommodations.

### 3. Notice/Information

- 3.1. The Department's FMLA Coordinator shall provide a copy of this policy to employees prior to their maternity leave and after returning to work. Coordinators should document furnishing the policy to employees on both occasions.

The Personnel Department shall continue to be the lead agency for equal employment opportunity policy and complaint resolution, and reasonable accommodation. As such, the Personnel Department shall be the lead agency for lactation accommodation, and shall monitor and provide guidance to departments for compliance with this directive and other non-discrimination laws, policies and procedures, and recommended training. The Personnel Department may revise and update this policy on an as-needed basis.

#### Lactation Accommodation Request Procedure

1. An employee who has need for lactation accommodation should inform her supervisor and/or the Department's Reasonable Accommodation Coordinator and discuss any relevant workload or scheduling issues.
2. Supervisors and/or Reasonable Accommodation Coordinators who receive a lactation accommodation request are advised to do the following:
  - a. Review available space in the department and prepare to provide appropriate nearby space and break time.
  - b. Contact the Department EEO Coordinator for advice and assistance if you are unable to locate appropriate space to meet an employee's request.

#### Zero Tolerance

Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee; such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the City's policies and procedures for discrimination and harassment.

#### Filing a Complaint

Nursing mothers who feel they have been denied appropriate accommodation are encouraged to contact the Department EEO Coordinator or the Personnel Department's Office of Discrimination Complaint Resolution (ODCR). The ODCR may be contacted for information to file a complaint. Investigations will be conducted in accordance with the Citywide Discrimination Complaint Procedure.

Complaints may also be filed with the State compliance agency, the Department of Fair Employment and Housing (DFEH), and/or the Federal compliance agency, the Equal Employment Opportunity Commission (EEOC).