



## LACTATION IN THE WORKPLACE POLICY

### PURPOSE STATEMENT

The City and County of San Francisco (City) recognizes the health benefits of breastfeeding for both parent and child. This Lactation in the Workplace Policy encourages a supportive work environment for City employees who are nursing to breastfeed or express milk during working hours. The City recognizes that a supportive work environment for these employees will greatly benefit their health and welfare, strengthen their families, and therefore benefit the City and the community.

All City employees must recognize that an employee's decision to express milk in the workplace is a legally protected right and a decision supported by the City.

### LEGAL REQUIREMENTS

This policy complies with employer lactation accommodation requirements in the Fair Labor Standards Act, California Labor Code, and San Francisco Administrative Code sec. 16.9-26.

### STATEMENT OF POLICY

#### Work Breaks for Lactation

For up to one year after a child's birth, Departments must allow employees to take reasonable breaks for lactation each time the employee has a need to express milk. Employees are entitled to use regular paid breaks, meal periods, and unpaid break time to express milk. Departments may provide a flexible schedule so employees can make up unpaid break time if requested. After a child's first year, Departments should continue to provide reasonable breaks for lactation. Lactating employees may use breaks to breastfeed a child at a nearby childcare facility.

Departments must adopt the following procedure to accommodate employees asking for lactation breaks:

1. Before the start of an employee's child bonding leave, or upon request, the Department will provide the employee with a "Request for Lactation Accommodation" form, a copy of this policy, and related parental information supplied by the Department of Human Resources (DHR).
2. The employee should be instructed to complete the accommodation request form and return it to the Department as soon as possible and no later than 10 business days before returning from leave.
3. The Department Personnel Officer should discuss any impact on workload and/or work schedule with the employee and employee's manager. This will help balance the lactation accommodation with the Department's needs.
4. The Department must provide reasonable lactation breaks up to one year after the child's birth. After the child's first year, the Department should continue to provide reasonable lactation breaks.
5. If the Department cannot provide break time or a location that complies with this policy the Department must provide a written response to the employee.

## Location for Lactation

Departments must provide employees with a space for lactation, which is not a bathroom. The space must be protected from view and from intrusion by coworkers and the public. Rooms designated for lactation must be identified with appropriate signage. A designated lactation space may be used for other purposes when not needed for lactation.

Departments are responsible for creating a system for scheduling use of the lactation space by multiple employees. The system should ensure all employees who need to use the space for lactation can use it during approved breaks.

Departments are encouraged to provide a private room with the following amenities if possible:

- Locking door
- Electrical outlet
- Comfortable chair
- Sufficient lighting
- Flat surface
- Partitions to accommodate multiple lactating employees simultaneously
- Refrigerator to store breast milk
- Sink
- Hospital grade electric breast pump

City departments must consult with DHR to make sure there is sufficient designated lactation space when:

- Constructing a new building that will be a City employee workplace.
- Entering into a new lease for all or part of a building that will be a City employee workplace.
- Renovating an existing owned or leased building that is or will be a City employee workplace.

## Public Lactation Rights

Nursing employees are not required to limit lactation to designated lactation spaces. City employees must not interfere with any member of the public who is engaged in lactation by expressing milk or nursing a child in any City location open to the public.

## **POLICY IMPLEMENTATION**

Each Department's Appointing Officer is responsible for implementing this Lactation in the Workplace Policy. The Human Resources Director is responsible for ensuring compliance with this policy. A Department may develop its own lactation accommodation policy if all requirements stated in the City's Lactation in the Workplace Policy are included.

Employees and applicants for employment who believe a City employee has violated this policy may file a complaint with:

City and County of San Francisco Department of Human Resources  
Equal Employment Opportunity Division (DHR EEO)  
1 S. Van Ness Ave., 4th Floor  
San Francisco, CA 94103

Instructions on how to file a complaint are available:

- From the DHR EEO Division
- By calling (415) 557-4900 or (415) 557-4810 (TTY)
- By going online to the DHR website @ [www.sfdhr.org](http://www.sfdhr.org)

Complaints may also be filed with the California Civil Rights Department (CRD), the U.S. Equal Employment Opportunity Commission (EEOC), or the California Labor Commissioner's Office.