



Administrative Regulation
Chapter 7 – Human Resources

AR 7900 LACTATION ACCOMMODATION

The Santa Monica Community College District (“District”) shall provide reasonable accommodations for lactating employees to express breast milk, breast feed an infant child or address other needs related to breast feeding. Whenever an employee is at work on the campus, or one of the satellite campuses, the District will support lactating employees. The District is legally obligated to accommodate lactating employees and legally prohibited from discriminating, harassing or retaliating against them for expressing breast milk in the workplace. In addition, the District will provide a reasonable amount of break time to accommodate employees desiring to express breast milk or nurse their infant.

Reasonable accommodations include, but are not limited to all of the following:

Time to Express Milk

Employees are entitled to time, including, if necessary, breaks for lactation. Break times shall be established based on the employee’s work schedule. If possible, the lactation break is to run concurrently with any break time already provided. The time used to travel to and from the employee’s work area to the private space provided must not be included in the calculation of time used for the expression of breast milk. Break time for an employee in addition to authorized break time is unpaid time; however, the accommodation plan can include flexing an employee’s schedule to include additional unpaid break time so that there is no loss in pay. Frequency of periods needed to express breast milk on a daily basis, as well as duration of each individual period will likely vary for each employee.

Place to Express Milk

- a. The District will provide an appropriate, private space for employees to express milk. The private space provided must have the ability to be locked, be shielded from view and free from intrusion from co-workers and/or the public. The District will make reasonable efforts to find a location in close proximity to the lactating employees’ work area. The space must be equipped with an electrical outlet and comfortable seating, and be in close proximity to a sink and water supply.
- b. Lactating employees are permitted to store breast milk in a refrigerator and freezer units already otherwise provided to employees by the District for the storage of food. Breast milk should be clearly labeled. The District, however, will not be responsible for any lost or stolen containers left in the refrigerator or freezer.
- c. The location may be the place where the lactating employee 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) or a designated lactation room on campus.
- d. Restrooms are prohibited from being utilized for lactation purposes. However, a separate private room or a separate private changing area within or next to a bathroom may be permissible.

Request for Lactation Accommodation:

- a. To request reasonable accommodations for lactation, an employee shall advise the supervisor of record, and the Office of Human Resources of the request either verbally or in writing, ideally prior to taking leave, or upon returning to work. Newly hired employees requiring lactation accommodations shall request accommodations upon or soon after hire through the Office of Human Resources.

- b. Supervisors and the Office of Human Resources who receive a request for lactation accommodations will review the request and make accommodations in a timely manner that does not interfere with the employee's lactation needs. For non-office sites, the employee, the supervisor, and the Office of Human Resources should enter into a good faith interactive process to identify reasonable accommodations.

Discrimination and Harassment Related to Breastfeeding or Expressing Milk is Prohibited

Federal and state law expressly prohibit harassment of and/or discrimination against lactating employees because they request accommodations to express milk at work and/or any employees suffering from a medical condition related to breastfeeding. In addition, breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this administrative regulation to engage in conduct that creates an intimidating, hostile or offensive working environment. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations. Any incident of harassment and/or discrimination of a lactating employee will be addressed in accordance with the District's policies and procedures for discrimination and harassment, and in accordance with state law.

Communication:

- a. A copy of this administrative regulation shall be provided to every employee upon adoption, at new employee orientations, and to an employee both prior to and upon returning to work from leave or when requested.
- b. This administrative regulation shall be posted on the District's website.

Contact for questions:

For further information regarding this administrative regulation, please contact the Office of Human Resources.

Reviewed and Approved by Senior Staff; April 14, 2020