

HUMAN RESOURCES MEMORANDUM 16-014		DATE ISSUED: 6/29/2016
SUBJECT: Lactation Accommodation		REFERENCE: PML 2016-017
TO: All DGS Employees		SUPERCEDES: <i>PML 2002-004</i>

PLEASE ENSURE THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

The purpose of this memorandum is to remind departments of the provisions in the California Labor Code sections 1030 through 1033, and of the amendments to section 7 of the Fair Labor Standards Act, brought about by the Patient Protection and Affordable Care Act in March 2010.

Provision Requirements

These provisions require employers to provide a reasonable amount of break time and an appropriate location to accommodate an employee desiring to express breast milk for the employee's infant child.

Departments are encouraged to develop or review existing lactation accommodation guidelines to ensure they are flexible, accommodating, and in compliance with current California and federal laws.

The statutes require that the time allotted for the purpose of expressing breast milk run concurrently with any break time already provided to the employee, if possible. Typically, a lactating woman will need approximately 15 to 30 minutes for each session and they may occur every 2 to 3 hours. Frequency and duration will vary. While the routine break times provided may be sufficient for some women to complete the process, others may need additional time. Although law does not require employers to allow employees to extend their workday (i.e., begin work earlier or end work later) to make up for unpaid break time used for expressing breast milk, departments are encouraged to provide flexible scheduling for those employees who choose to make up for any unpaid break time.

The statutes further require employers to provide the employee with the use of a room or other location in which to express breast milk. The room or location must be in close proximity to the employee's work area, other than a restroom, and must be shielded from view and free from intrusion by coworkers and the public. The room or location where the employee normally works may be used for this purpose if it otherwise meets the requirements.

Examples of workplace spaces which may be appropriate include a vacant office, a woman's lounge area, a first aid room, a dressing room, or a room or office space which can be made available during specific times of the day for this purpose. To facilitate privacy, a lock may be added to the door or a sign may be posted on the entrance indicating the room is in use.

Violation

California law provides that an employer who violates the provisions of this statute may be subject to a \$100 civil penalty for each violation.

Questions

For questions concerning this memorandum, please email questions to Lisa York.

LISA YORK, Personnel Officer
Office of Human Resources

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