

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS****Personnel****LACTATION ACCOMMODATION****Policy Statement**

The Fresno County Superintendent of Schools (FCSS) recognizes the immediate and long-term health benefits of breastfeeding, and desires to provide a supportive environment for any FCSS employee to express milk for an infant child. The FCSS prohibits discrimination, harassment, and/or retaliation against any FCSS employee for seeking an accommodation to express breast milk for an infant child while at work. Therefore, the following shall be the FCSS policy regarding lactation accommodations.

The FCSS shall provide a reasonable amount of break time to accommodate an employee each time the employee needs to express breast milk for an infant child (Labor Code Section 1030). To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid (Labor Code 1030; 29 USC 207 (r)).

The FCSS shall provide the employee with a lactation room, or other location, other than a bathroom, for the employee to express milk in private. The lactation room or location shall be in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1013; 29USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk.
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382.
3. Contains a place to sit and a surface to place a breast pump and personal items.
4. Has access to electricity or alternative devices, including, but not limited, to extension cords or charging stations needed to operate an electronic or battery-powered breast pump.
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace.

If a multipurpose room is used for a lactation location, the use of the room for the time it is used for lactation purposes shall take precedence over other uses of the room (Labor Code 1031).

If a permanent lactation space cannot be identified due to operational, financial or other space limitations, a temporary space may be provided. The temporary space may not be a bathroom, must still be in close proximity to the employee's workspace, must be private, and must otherwise comply with the law.

To request a lactation accommodation, the employee shall notify their immediate supervisor and/or Benefits Analyst in Human Resources in advance of their intent to request an accommodation. The immediate supervisor, in conjunction with the Benefits Analyst, shall work to respond to the request and shall work with the employee to make arrangements.

If needed, the immediate supervisor shall address scheduling to ensure that the employee's essential job duties are covered during lactation-related break time.

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Before an unlikely determination is made to deny lactation accommodations to an employee, the employee's supervisor and Benefits Analyst shall consult with the FCSS or designee. When lactation accommodations are denied, the FCSS or designee shall document the options that were considered and the reasons for denying the accommodations. The FCSS or designee shall provide a written response to any employee who was denied the accommodation(s) (Labor Code 1034).

The FCSS shall distribute this policy to new employees upon hiring, and annually thereafter, and when an employee makes an inquiry about or requests pregnancy disability or parental leave.

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034 (Labor Code 1034).

Adopted: 01/01/2020  
Amended: 07/26/2024

**Legal Reference:**

EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

GOVERNMENT CODE

12926 Definition of sex; breastfeeding

12940 Unlawful discriminatory employment practices

12945 Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1034 Lactation accommodation

6382 Procedure for listing hazardous substances

CODE OF REGULATIONS, TITLE 2

11035-11051 Unlawful sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 (r) Fair Labor Standards Act; lactation accommodation

CSBA

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