

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 accommodation to express breast milk for an infant child while at work. Therefore, the following shall be the FCSS policy regarding lactation accommodations.

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 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 feasible 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.

Lactation accommodations shall be granted unless there exist limited circumstances as specified in law. (Labor Code 1031, 1032; 29 USC 218d, 42 USC 2000gg-1)

Before a 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 requested 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 include this policy in employee handbooks, as applicable, or in any set of policies made available to employees. In addition, 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. (Labor Code 1034)

Break Time and Location Requirements

For at least a year after the birth of a child, 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; 42 USC 2000gg-1)

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 218d)

The FCSS shall provide the employee with a lactation space which may be used by the employee for expressing breast milk as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area and shall meet the following requirements: (Labor Code 1013; 29 USC 218d)

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

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. (Labor Code 1031)

Dispute Resolution

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)

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

Adopted: 01/01/2020

Amended: 07/26/2024; 07/22/2025

CSBA
4033