

LACTATION ACCOMMODATION

The City of Los Angeles recognizes the rights of lactating employees. The City of Los Angeles supports breastfeeding and the expression of breast milk by lactating employees. All City departments must provide a reasonable amount of break time and must provide the use of appropriate space and resources for employees who express milk during work hours. >> [City of Los Angeles Lactation Accommodation Policy](#)

TIME

1. Is there an end date to how long we provide breaks for employees to express milk?

There is no upper limit for how long an employee may request a lactation accommodation. This is a protected right under California's state law §1030.

2. What if a lactating employee requests extra break time for pumping?

Periodically, a lactating employee may need extra pumping breaks or longer break times. The employee and their supervisor should work together to accommodate the employee's need. If the supervisor has questions, they should reach out to the Reasonable Accommodation Coordinator or Lactation Accommodation Coordinator.

3. What is a reasonable amount of time for a pumping break?

Many lactating employees have found that they need at least 20 minutes to pump. A pumping break also requires time to set up the pump, undress, express the milk, store, label and cool milk, clean pump parts and dress.

4. What if an employee is taking too much time to pump?

Some people take more time to pump than others do. Their pumping time is a protected right. There is no "right amount of time" for pumping. It is unique to each person. The law requires that the designated space for pumping be "in close proximity" to the employee's work area. The time that it takes to get to the designated rest/pump area is not included in the employee's break time.

5. How many times each day will a lactating employee need to pump?

Most lactating employees can take care of pumping during their regularly scheduled rest and meal periods. A typical pumping schedule may be:

- 7:00 am** - Arrive at work
- 9:00 am** - Rest Break, pump 20 minutes
- 11:00 am** - Lunch break, pump 20 minutes, eat lunch
- 2:00 pm** - Rest Break, pump 20 minutes
- 4:00 pm** - Leave work

Periodically, a lactating employee may need extra pumping breaks to help maintain or increase their milk supply, due to illness or changes in the baby's eating habits.

6. Are we required to pay for pumping breaks?

Covered employees should take their breaks concurrently with their paid rest breaks. Any pumping time beyond their regularly scheduled paid rest breaks may be unpaid. Managers, supervisors, and employee may also agree, based on the needs of service, to adjust the employee's work schedule to cover the unpaid break time, or to allow the employee to use earned accrued time to cover the unpaid break time.

7. What if my newly hired employee makes a request for a lactation accommodation, do I need a medical verification?

No. California law prohibits employers from asking for medical documentation when an employee requests a lactation accommodation.

SPACE

1. What if the most private space that we have is an unused bathroom or anteroom to a bathroom?

These can be permissible in certain circumstances and some lactating employees may be comfortable using such rooms to pump milk. However, before designating a space within or connected to a bathroom, you must consult with your department Reasonable Accommodation Coordinator or Lactation Accommodation Coordinator because of certain restrictions in Federal and State Laws.

2. May a lactating employee use their own private office to pump?

This is permissible if the lactating employee prefers to use their office rather than the designated Lactation Room.

3. Can a lactating employee sit at the desk in their cubicle and pump?

Some lactating employees and their coworkers have found this arrangement to be an acceptable and efficient way to complete work and take care of pumping. They create privacy with curtains, small pop up tents or by using privacy covers. However, some lactating employees will not find this to be private enough. Additionally, the sound of the pump may bother their co-workers. The key is to find the reasonable accommodation that meets the needs of both the lactating employee and the others in the direct work area, being sensitive to all parties.

4. Can an employee leave the worksite and pump in their private vehicles?

During meal periods, covered employees may leave the worksite. Employees are generally restricted to staying within the work area and using the designated rest area during rest breaks. If identifying an appropriate space is the issue, please contact your department Reasonable Accommodation Coordinator or Lactation Accommodation Coordinator.

5. What types of rooms are acceptable as a lactation space?

Empty offices and conference rooms are all excellent locations if the employer can make the space private enough by closing and locking doors and obscuring windows. It is also reasonable for a supervisor to vacate his or her own office to accommodate the pumping, if no reasonable alternative is available. Some storage and filing spaces can be utilized, provided that they are a low-traffic space and can be made private. The storage spaces must not contain noxious or hazardous materials. Copy rooms are a possibility, however because of their frequent use; they may be undesirable as it may interrupt operations.

6. Must we designate one space and only use that one space?

The law requires that we provide reasonable accommodations, which does not always or necessarily mean we have to designate only one space. In some cases, those designated spaces may not be the space in closest proximity to the employee's work area. The goal is to make reasonable accommodations. Please work with the employee to find the most reasonable accommodation, in close proximity to their work area. If you have difficulty finding a space to designate or appropriate space that meets the requirements, contact your department's Reasonable Accommodation Coordinator or Lactation Accommodation Coordinator.

7. I have an employee that would like to bring their baby to work and direct breastfeed? Can we accommodate this?

The law and the City's policy do not cover bringing a baby to work and direct breastfeeding. It is up to the discretion of each Department to decide on the appropriateness of having an employee's baby at work during the lactating employees' rest breaks. Generally, a covered employee is free to leave during their meal period. If someone brought the baby to the lactating employee, they would be free to direct breastfeed during their meal period in anyplace that they are publicly allowed to be, according to [California Civil Code § 43-53](#): "Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present."

PUMPS

1. Are we required to provide employees with pumps?

No. However, employees should also consult their health care providers about access to lactation services, including access to breast pumps. As of August 2012, most Health Care Plans are required to provide women with access to lactation services, including equipment. Additional resources may be available through the Women, Infants and Children Program (WIC).

2. What if an employee pumps milk in a private space, but other employees are annoyed at overhearing the pump?

Many lactating employees have found that putting a heavy blanket over the pump muffles the sound. Additionally, while all parties should make efforts to be flexible while lactating employees pump milk, these employees to have the right to do this and the employer has an obligation to allow this.

3. What is the best pump?

Choosing a pump is like choosing a pair of shoes. What is right for one person, would not work for another. It is an individualized choice.

NON-TRADITIONAL WORKSITES

1. Can employees pump in their cars? (i.e. employees working in the field, driving from location to location, or on patrol?)

Pumping in cars may be appropriate, if it is within the employee's private vehicle. Employees should refrain from pumping in City vehicles, unless your department's Reasonable Accommodation Coordinator or Lactation Accommodation Coordinator has arranged this accommodation in advance.

Ideally, we will accommodate our employees by consulting the list of dedicated lactation spaces within the City and arranging for the employee to take lactation breaks where the City can accommodate the employee appropriately. However, for some field employees pumping in the car may be the most efficient strategy.

2. How does the employee in a non-traditional worksite make a request for "reasonable accommodations"?

An employee from a non-traditional worksite enters into an "interactive process" with the Reasonable Accommodation Coordinator and their supervisor to discuss any relevant workload or scheduling issues. Reasonable Accommodation Coordinators, Supervisors and the lactating employees have several opportunities to communicate regarding the need for lactation accommodations.

3. What are some reasonable accommodations for an employee who works in a non-traditional worksite?

Reasonable accommodations could be similar to those who have a temporary disability. For example, employees can request a limited duty assignment, job restructuring, modified work schedule, reassignment to a vacant position. Please review the Fair Employment and Housing Act, at Government Code section 12926, subdivision (o), for reasonable accommodation for persons with disabilities.

4. Do we need medical certification for an employee who requests a limited duty assignment for lactation accommodations?

No supporting medical certification is required; further, FEHA prohibits the employer from requesting medical certification for lactation accommodations.

The lactating employee simply asserts their right to a lactation accommodation, and requests a reasonable accommodation of "limited duty assignment" so that the employee can be in a facility that can provide them with space and time to facilitate milk expression.

NON-TRADITIONAL WORKSITES (Cont'd)

5. I have a lactating employee who works in the field and would like to schedule their breaks so they may go home to direct breastfeed. Can we accommodate this?

The law and the City's policy require employers to provide reasonable accommodations in the workplace for pumping breaks. Covered employees are free to leave during their meal period. In some cases, this scenario may prove to be the most productive and efficient solution, providing that there is reasonable time monitoring in place. Regardless, you and your Department's Reasonable Accommodation Coordinator would consult with making a decision for this scenario.

6. I have an employee whose job involves the use of chemicals. Are they prohibited from working with chemicals while breastfeeding?

The California Occupational Safety and Health Administration (Cal/OSHA) has issued a limited number of standards (e.g., Lead, Cadmium and others) that acknowledge and provide some protection to reproductive risks. Per Cal/OSHA, employers shall ensure affected employees receive information and training on the Hazard Communication Program and any related chemicals including safety data sheets in which they are required to work with.

You can contact your department's Human Resources Section, Medical Services Division Administrator, [Joanne O'Brien](#), and/or Safety Administrator, [Najma Bashar](#), for further inquiries.

7. How shall we accommodate lactating public safety employees (i.e. sworn officers and fire fighters) who handle long emergency calls?

Lactating employees who work in public safety are aware of their job requirements. Many employed fire fighters and sworn officers have combined breastfeeding and working successfully. In some cases, temporary reassignment of duties is considered.

FIRE FIGHTERS

Fire personnel called to long emergencies typically rotate out of the emergency call for "rehabilitation" checks: first aid personnel check their vital signs, carbon monoxide levels, and hydration levels. First aid personnel should prioritize a lactating fire fighter for rehabilitation checks and assess their need to pump. The lactating employee can pump within a fire truck, ambulance or a shielded space in a first aid tent.

Lactating fire fighters are encouraged to always bring their pumps with them on calls. Many breastfeeding fire fighters have found that the time returning from their calls are good times for pumping, usually in the back of an ambulance or the truck.

SWORN OFFICERS

Many sworn officers pump in the women's locker room when they are changing in and out of uniform. Bulletproof vests can be an issue for some lactating sworn officers. Some sworn officers request a temporary transfer to a desk job or community outreach position while lactating.

The City encourages Reasonable Accommodation Coordinators utilize the interactive process to find suitable solutions. The goal is to accommodate the lactating employee.

MISCELLANEOUS

- 1. Can I require medical certification that an employee is lactating if I suspect they are not? What if I never see that employee with a pump or expressed breast milk?**

No. If you have concerns that an employee no longer needs a lactation accommodation, then contact your department Reasonable Accommodation Coordinator with the details regarding your concern. The Reasonable Accommodation Process is not the place for such investigations.

- 2. I gave an employee a copy of the policy when the employee came back to work and the employee advised me that they are not breastfeeding and would not need an accommodation. The employee asked me why there is not a program to support their choice. How do I respond?**

First, congratulate the employee for becoming a parent and welcome them back to work. Second, explain that the City's Lactation Accommodation Policy supports the City's policy to support lactating employees, which complies with both Federal and State Law.

As an employer, we are required to provide lactation accommodations to employees who need pumping breaks.

- 3. I have an employee who makes mooing sounds and other comments to my lactating employee. How do I handle this?**

Please refer to the City's Lactation Accommodation Policy, which states that there is Zero Tolerance for this type of behavior. Take immediate action to correct the inappropriate behavior. As per the policy, "Any incident of harassment of a breastfeeding employee will be addressed in accordance with the City's policies and procedures for discrimination and harassment."

- 4. I have an employee who has complained that a lactating employee is getting a special benefit of longer breaks? How can I handle this situation?**

First, provide a copy of the Lactation Accommodation Policy to the complaining employee. Then, explain that the City's Lactation Accommodation Policy complies with both Federal and State Law, which states that as an employer, the City is required to provide lactation accommodations to lactating employees. Finally, tell the complaining employee that another employee's situation is not their business and if the complaining employee ever had additional needs or a reasonable accommodation, you would not discuss their situation with other employees either.
