

INTRODUCTION

The City of Los Angeles affirms the rights of lactating employees and seeks to promote a work environment that is supportive of lactating employees when they return to work.

STATEMENT OF POLICY

The City encourages employees and management to have a positive, accepting attitude of lactating employees. All City employees must recognize lactating employees' legal right to request accommodation to express milk at work.

Every City Department shall disseminate The City's Lactation Accommodation Policy to every incoming employee and to all employees biennially. In accordance with Federal and California State laws, it is the policy of the City to accommodate lactating employees' needs by providing:

1. Time to Express Milk or Breastfeed (Lactation Time)

- a. If possible, the lactation time should be the same as the employee's regularly scheduled break time.
- b. The Department must make separate time available if an employee needs extra or different time than their regularly scheduled breaks.
 - i. Any time beyond the employee's regular break time will be unpaid. At management discretion, employees may adjust beginning or ending work times to accommodate these breaks.

2. An Appropriate Private Location

- a. Each City Department shall provide appropriate private space, and make reasonable efforts for the location to be in close proximity to the lactating employee's work area. The space itself shall be clean, safe, and free of hazardous materials. The space shall have access to electricity and a nearby sink with running water; contain comfortable seating with a surface to place a breast pump and personal items; and, be shielded from view and free from intrusion during the time an employee expresses milk. Each City Department shall provide a refrigerator suitable for storing milk in close proximity to the lactating employee's workspace.
- b. The location may be the place where the nursing mother normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that the employee can secure).
- c. Areas such as restrooms, closets, or storage rooms are usually not appropriate spaces for lactation purposes. However, a separate anteroom (women's lounge) or a separate changing area within or next to a bathroom is permissible. Departments may convert closets or storage rooms that do not contain noxious materials into acceptable private spaces.
- d. For non-traditional worksites, the employee and the supervisor and/or the department Reasonable Accommodation Coordinator should enter into a good faith interactive process to identify reasonable accommodations.

3. Notice

- a. The Department FMLA Coordinator shall provide a copy of this policy to employees prior to their parental leave and after returning to work from leave. Coordinators should document furnishing the policy to employees on both occasions.

REQUESTING A LACTATION ACCOMMODATION

4. Request Procedure

- a. An employee who has need for lactation accommodation should inform their supervisor and/or the Reasonable Accommodation Coordinator and discuss any relevant workload or scheduling issues.
- b. Supervisors and/or Reasonable Accommodation Coordinators who receive lactation accommodation requests are advised to do the following:
 - i. Review available space in the department and prepare to provide appropriate nearby space and break time
 - ii. If Reasonable Accommodation Coordinators and Supervisors believe that they are unable to locate appropriate lactation space, contact the department EEO Coordinator for advice and assistance.
 - iii. If appropriate, the department's Reasonable Accommodation Coordinator should create and maintain lactation room schedule to ensure all lactating employees have sufficient time and privacy for their lactation needs.
- c. It is incumbent upon the Reasonable Accommodation Coordinator and the Departmental Personnel Officer (DPO) to ensure lactating employees have sufficient access to appropriate lactation space.

The Personnel Department shall continue to be the lead agency for equal employment opportunity and equity-related policies and complaint resolution, and reasonable accommodation. As such, the Personnel Department shall be the lead agency for lactation accommodation, and shall monitor and provide guidance to departments for compliance with this directive and other non-discrimination laws, policies and procedures, and recommended training. The Personnel Department may revise and update this policy on an as-needed basis.

ZERO TOLERANCE

5. Lactating may not constitute a source of discrimination in employment or in access to employment. Federal law, state law, and this policy prohibit the harassment of all lactating employees. Such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile, or offensive working environment. The City of Los Angeles will address any incident of harassment of a lactating employee in accordance with the City's policies and procedures for discrimination and harassment.

FILING A COMPLAINT

6. Lactating employees who feel they have been denied appropriate accommodation are encouraged to contact the department EEO Coordinator or human resources representative, the Personnel Department's Office of Workplace Equity (OWE) at [MyVoiceLA.org](https://www.myvoicela.org) for information to file a complaint. The OWE will investigate these allegations in accordance with the City's equity-related policies and procedures.
7. Lactating employees may also file complaints with the State compliance agency, [The Civil Rights Department \(CRD\)](#), and/or the Federal compliance agency, the [Equal Employment Opportunity Commission \(EEOC\)](#), and/or the [California Labor Commission](#).