

**POLICY DATE: August 1, 2023**

**TO:** All Employees

**FROM:** Human Resources

**SUBJECT: Lactation Accommodation Policy**

Tulare County Office of Education (TCOE), desires to provide a supportive environment for any employee to express milk for an infant child upon returning to work following the birth of the child. TCOE prohibits discrimination, harassment, and/or retaliation against any employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor and contact Human Resources in advance of the intent to request accommodation. TCOE shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling to ensure that the employee's essential job duties are covered during the break time.

**Policy Goal:**

- To establish guidelines promoting a work environment that supports breastfeeding and employees' right to request lactation accommodation.

**Lactation Accommodation**

- Employees have a right to request lactation accommodation.
- To request lactation accommodation, an employee should contact the Human Resources Department at 559-733-6306.
- Human Resources is obligated to respond to an employee's request for lactation accommodation.
- If TCOE cannot provide break time or a location that complies with the requirements in the policy, it will provide a written response to the employee.

**Employer Responsibilities**

**Breaks:**

- Break time will be provided each time an employee needs to express milk.
- The break time shall, if possible, run concurrently with any break time already provided to the employee.
- If the time for an employee's break time does not run concurrently or when additional time is necessary, the break time shall be unpaid.
- With supervisory approval, the employee may use compensable leave or a flexed work schedule to cover any unpaid break time.

**Lactation Space:**

TCOE will provide breastfeeding employees with space in close proximity to the employee's work area that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses. Restrooms are prohibited from being utilized for lactation purposes.

The lactation space will:

- Be safe, clean, and free of toxic or hazardous materials.
- Contain a place to sit, a surface to place a breast pump and personal items.
- Have access to electricity.
- Have access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's work area.

**Retaliation Related to Breastfeeding or Expressing Milk is Prohibited**

TCOE expressly prohibits discrimination and retaliation against lactating employees for exercising, or attempting to exercise, their rights to request lactation accommodation under this policy and Labor Code sections 1030-1034. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.

Employees have the right to file a complaint with the Labor Commission for any violation of their right to lactation accommodation under this policy and Labor Code sections 1030-1034.

This policy will be provided to employees upon hire as well as upon an inquiry or request for parental leave.