

Section 1: **PURPOSE**

The purpose of this policy is to comply with state laws regarding breastfeeding and expressing milk for the nourishment of children. In 1997 the State of California added Section 43.3 to the Civil Code to provide for the ability of a mother to breastfeed in public.

Additionally, this policy will establish guidelines for promoting:

- Breastfeeding behavior among City of Manteca employees while on parental leave
- The establishment of a work environment that encourages and supports continued lactation upon return to work
- Policies and practices in the City that generate support and awareness of the importance of breastfeeding to community wellness that may serve as a model to other communities.

Section 2: **POLICY**

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby.

Scheduling

Per AB1025 the pumping break time shall run concurrently with the work break time. The employer is not required to allow time to pump if doing so would seriously disrupt business operations.

If possible, and approved by the supervisor, employees may be allowed a flexible schedule for pumping breast milk. The time allowed may exceed a normal lunch or break period. Any time in excess of a normal lunch or break period will not be paid as regular work time.

Facilities

Employees shall be provided the use of a clean, comfortable space or "Lactation Area." If a designated Lactation Area is not available, vacant offices or conference rooms are possible options. A restroom is not acceptable. The Lactation Area should be secure, equipped with an electrical outlet, be in close proximity to the employee's work area and contain comfortable seating with a table or other flat surface to hold a breast pump. Windows should be covered.

Ideally, the Lactation Area should be near a sink with hot water and soap for hand washing and cleaning of equipment and access to a refrigerator for storage of expressed breast milk.

Compliance

Human Resources will be responsible for designating Lactation Areas. In remote and/or small facilities, HR will work with the employee and with management to ensure reasonable accommodations are made. Managers and supervisors shall respond to any request for lactation accommodation in a manner consistent with the procedures outlined in this policy.

Atmosphere of Tolerance

Each City of Manteca Department shall create an atmosphere of tolerance regarding lactation in the workplace. Breastfeeding shall not be a source of discrimination in employment. It is prohibited under this policy to harass a lactating employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of harassment of a lactating employee will be addressed in accordance with City of Manteca policies and procedures for discrimination and harassment.

Unusual Circumstance

The city recognizes that some remote locations may not have adequate facilities to accommodate a lactating employee. In such circumstances, the Department Head and Human Resources staff will work with the employee to create a mutually acceptable solution. This may include a flexible schedule to allow the employee to return home for such activity, a temporary transfer to a larger facility, or other resolution.

Maintenance of Lactation Areas

Breastfeeding employees are responsible for keeping milk expression areas clean, using antibacterial wipes to clean the pump and area around it. Employees are also responsible for keeping the general lactation room clean for the next user. The responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

Milk Storage

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her own milk.

Section 3: BACKGROUND AND LEGAL AUTHORITY

Civil Code section 43.3 provides as follows:

“Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, accept the private home or residence of another, where the mother and the child are otherwise authorized to be present.”

In 1998 the California State Assembly passed Assembly Resolution No. 155 resolving the following:

“Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature encourages the State of California, and all California employers to strongly support and encourage the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding, or the expressing of milk for their children; and be it further”

“Resolved, That the Legislature respectfully memorializes the Governor to declare by executive order that all State of California employee shall be provided with adequate facilities for breastfeeding, or the expressing of milk”

In 2002 the State of California added Labor Code Sections 1030-1033 to provide the following:

“1030. Every employer, including the State and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.”

“1031. The employer shall make responsible efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee’s work area, for the employee to

express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section.”

“1032. An employer is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer.”

“1033. (a) An employer who violates any provisions of this chapter shall be subject to a civil penalty in the amount of one hundred dollars (\$100) for each violation. (b) If, upon inspection or investigation. The Labor Commissioner determines that a violation of this chapter has occurred; the Labor Commissioner may issue a citation. The procedures for issuing, contesting and enforcing judgments for citation or civil penalties issued by the Labor Commissioner for violations of this chapter shall be the same as those set forth in Section 1197.1 (c) Notwithstanding any other provision of this code, violations of this chapter shall not be misdemeanors under this code.”