

KERN COUNTY SUPERINTENDENT OF SCHOOLS**PERSONNEL****LACTATION ACCOMMODATION**

The Kern County Superintendent of Schools desires to ensure that all employees wishing to express milk after returning to work following the birth of an infant child are provided a supportive environment to do so. The Kern County Superintendent of Schools prohibits discrimination, harassment, or retaliation against any KCSOS employee for seeking an accommodation to express milk for an infant child at work.

Employees requesting a lactation accommodation shall notify their supervisor in advance. The supervisor shall respond to the request and shall work with Human Resources, and the employee, to make arrangements.

The Kern County Superintendent of Schools shall provide a reasonable amount of break time for the purpose of expressing milk. To the extent possible, any break time granted for lactation 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, unless the employee wishes to utilize personal leave time to remain in a paid status.

Lactation accommodations shall include the use of 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. The room or location provided shall meet the following requirements:

1. Is shielded from view and free from intrusion while employee is expressing milk.
2. Is safe, clean, and free of hazardous materials, as defined by 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 electric 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 lactation, among other uses, the use of the room for lactation shall take precedence over the other uses for the time it is in use for lactation purposes.

If after exploring all reasonable options to provide lactation accommodations to the requesting employee, the Kern County Superintendent of Schools is unable to do so, the Superintendent or designee shall provide a written response to the effected employee.

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.

This policy shall be included in the policies for review by employees and distributed to all new employees upon hire and when an employee makes an inquiry about or requests parental leave.

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

GOVERNMENT CODE

12926 Definition of sex; breastfeeding

12940 Unlawful discriminatory employment practices

12945 Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1034 Lactation accommodation

6382 Procedure for listing hazardous substances

CODE OF REGULATIONS, TITLE 2

11035-11051 Unlawful sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:

<http://www.dol.gov/whd/nursingmothers>