

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 7.1

Meeting Date: February 4, 2021

Subject: Public Hearing: Second Reading of Proposed Board Policy 4033,
Lactation Accommodation

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Legal Services

Recommendation: Approve adoption of Board Policy 4033.

Background/Rationale: The District has not adopted an employee lactation accommodation policy. Under California Labor Code sections 1030-1033, all California employers, including schools, are required to provide specific lactation accommodations to employees. Such proposed policy includes language in the CSBA Gamut model policy.



I. Overview/History of Department or Program

The District must provide a workplace in compliance with applicable labor laws, including those that provide rights to employees. Pursuant to Labor Code Section 1030, every employer, including schools, must provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The employer shall make reasonable 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.

Labor Code section 1034 requires employers to develop and implement a policy regarding lactation accommodation employer, Commission shall be unpaid."

Under Labor Code section 1034, employers are required to develop and implement a policy regarding lactation accommodation that

Sacramento City USD

Board Policy

Lactation Accommodation

BP 4033

Board Policy

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Lactation accommodations may be denied only in limited circumstances in accordance with law.
(Labor Code 1032; 29 USC 207)

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations

Legal Reference:

EDUCATION CODE

200-262.4 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

12940 Discriminatory employment practices

12945 Discrimination based on pregnancy, childbirth, or related medical conditions LABOR CODE
1030-1033 Lactation accommodation CODE OF REGULATIONS, TITLE 2
7291.27291.16 Sex discrimination; pregnancy and related medical conditions UNITED STATES CODE, TITLE 29
207 Fair Labor Standards Act; lactation accommodation
FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS
Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 0903P, 2009

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS
Rest Periods/Lactation Accommodation, Frequently Asked Questions CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
Minimum Requirements of the California Lactation Accommodation Law CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
Lactation Support Program Toolkit FEDERAL REGISTER
Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079
OFFICE OF THE SURGEON GENERAL PUBLICATIONS
The Surgeon General's Call to Action to Support Breastfeeding, 2011 HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS
The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008
U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS
Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010 WEB SITES
California Department of Industrial Relations, Division of Labor and Standards Enforcement: <http://www.dir.ca.gov/dlse>
California Department of Public Health: <http://www.cdph.ca.gov> California Women, Infants and Children: <http://www.wicworks.ca.gov> Centers for Disease Control and Prevention: <http://www.cdc.gov> Health Resources and Services Administration: <http://www.hrsa.gov> 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>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: