



What’s in a Wellness Policy? **Lactation Accommodation!**

Local Resources

San Diego County Breastfeeding Coalition	https://breastfeeding.org/breastfeeding-and-working/ Information for employers and workers on breastfeeding laws and steps to providing accommodation.
Lactation Supportive Environments - UCSD Center for Community Health	https://ucsdcommunityhealth.org/breastfeeding/ Provides technical assistance and support for schools and districts to develop and implement lactation accommodation policies and breastfeeding-friendly environments.
Breastfeeding and Going Back to Work – U.S. Department of Health & Human Services, Office on Women’s Health	https://www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work Information for those desiring to breastfeed after returning to work.
The Business Case for Breastfeeding Toolkit	https://www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case A comprehensive program designed to educate employers about the value of supporting breastfeeding employees in the workplace.

How Does Your District’s Wellness Policy Compare to Model Wellness Policies?

Model Policy (Staff): *Live Well San Diego*

Lactation Accommodation

In recognition of the well-documented health advantages of breastfeeding for infants and mothers, schools will provide a supportive environment for breastfeeding employees and students to meet state and federal laws. Breastfeeding employees and students will be provided reasonable break time to express milk in a clean, private, non-bathroom space.

Model Policy (Staff)

Example from Sweetwater Union High School District wellness policy (2017):

Lactation Accommodation: In recognition of the connection between breastfeeding, health and healthy weight for infants, and in accordance to BP 5146, the district shall ensure a lactation supportive environment.

- The district shall provide a reasonable amount of break time to accommodate an employee and/or student each time she has a need to express breast milk for her infant child. **(Labor Code 1030 & AB302).**
- The district shall provide a clean and private space, other than a restroom, to accommodate an employee and/or student each time she has a need to express breast milk for her infant child. (Labor Code 1030 & AB302).
- The district shall provide permission to bring onto a school campus any equipment used to express breast milk, access to a power source for that equipment, and access to a place to safely store expressed breast milk.
- The bill would prohibit a pupil from incurring an academic penalty as a result of her use, during the school day, of these reasonable accommodations.

Model Policy (Staff): *California School Boards Association*

NOTE: California School Boards Association (CSBA) has released both a model policy to support breastfeeding staff (BP 4033) and students (BP 5146). CSBA has given permission for school districts, both members and non-members, to adopt these policies as they are or modify to meet a school district's individual needs.

Excerpt from <https://californiabreastfeeding.org/wp-content/uploads/2023/06/4033-Lactation-Accommodations-Employees.pdf>

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express breast milk for her infant child while at work.

The district shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

To the extent possible, such break time 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. (Labor Code 1030; 29 USC 207)

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

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.

Model Policy (Students): *California School Boards Association*

NOTE: California School Boards Association (CSBA) has released both a model policy to support breastfeeding staff (BP 4033) and students (BP 5146). CSBA has given permission for school districts, both members and non-members, to adopt these policies as they are or modify to meet a school district's individual needs.

Excerpt from <https://californiabreastfeeding.org/wp-content/uploads/2023/06/5146-Married-Pregnant-Parenting-Students.pdf>

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child