



Accommodations for Nursing Mothers

Responsible Officer:	Vice President – Human Resources
Responsible Office:	Human Resources
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Effective Date:	July 3, 2013
Scope:	Professional & Support Staff, Managers & Senior Professionals, and Senior Management Group members.

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I. POLICY SUMMARY

In promoting a family-friendly work environment, the University of California recognizes the importance and benefits of breastfeeding for both mothers and their infants. The University will make private space available for lactation purposes and will provide lactation break periods for employees who are breastfeeding (hereinafter referred to as “nursing mothers”).

II. DEFINITIONS

Exception to Policy: An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

Executive Officer: The University President, Chancellor, or Laboratory Director.

Exempt Employee: An employee who, based on duties performed and manner of compensation, is exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Because of hourly pay practices, an employee appointed to a per diem position in an exempt title will be treated as a non-exempt employee subject to FLSA minimum wage and overtime provisions.

Exempt employees shall be paid an established monthly or annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time, record keeping, and attendance rules for pay purposes. Exempt titles are identified in Universitywide title and pay plans.

Non-exempt Employee: An employee who, based on duties performed and manner of compensation, is subject to all FLSA provisions. Because of hourly pay practices, an employee appointed to a per diem position shall be treated as a non-exempt employee subject to FLSA minimum wage and overtime provisions.

Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate. Non-exempt titles are identified in title and pay plans.

Top Business Officer: Executive Vice President–Business Operations for the Office of the President, Vice Chancellor for Administration, or the position responsible for the location’s financial reporting and payroll as designated by the Executive Officer.

III. POLICY TEXT

A. Lactation Facilities

The University will provide, in close proximity to the nursing mother’s work area, appropriate sanitary and private space with a table, electrical outlet, and comfortable chair.

B. Lactation Break Period

The University will provide a reasonable amount of break time to accommodate the needs of nursing mothers.

1. Exempt employees:
In accordance with [PPSM 31 – Hours of Work](#), the time provided for lactation break periods does not need to be recorded.
2. Non-exempt employees:
If possible the nursing mother’s lactation break period should be concurrent with her rest period. If the lactation break period cannot run concurrently with the existing rest period, the University will make separate lactation break time available. The separate lactation break period will be unpaid.

Supervisors are encouraged to allow flexible scheduling, whenever possible, to accommodate lactation breaks.

No negative employment actions will be taken when requests for accommodation are made pursuant to this policy.

C. Other Reasonable Accommodation

The University will provide other reasonable accommodation or transfer to a less strenuous or hazardous position upon receipt of information from the nursing mother’s

health care provider stating that a reasonable accommodation or transfer is medically advisable.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.

The Vice President–Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of the Regents.

The Executive Vice President–Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions applicable to PPSM-covered staff employees who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Human Resources.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance will periodically monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with *Personnel Policies for Staff Members* [61](#), [62](#), [63](#), [64](#), [65](#), and [67](#), pertaining to disciplinary and separation matters.

V. PROCEDURES

A. Lactation Facilities

The University will provide a locked, private space that is sanitary--including appropriate temperature and ventilation--and equipped with a table, comfortable chair, and electrical outlet. If possible, the lactation space either will be located near a source of running water or will have a sink with running water in it.

The space will be in close proximity to the nursing mother's work area, generally not more than a 5-7 minute walk.

Appropriate lactation facilities include, but are not limited to, the employee's private office, another private office not in use, a conference room that can be secured, a multi-purpose room, or any available space with a locking door that is shielded from view and free from intrusion from co-workers, students, and the public.

Restrooms, spaces lacking privacy, or spaces lacking a locking door are not considered appropriate spaces for lactation purposes. However, an anteroom or lounge area connected to a restroom may be sufficient if the space is private, free from intrusion, and can be locked and shielded from view.

B. Accommodation Requests

A nursing mother is encouraged to discuss her needs, in terms of accommodations as well as the frequency and timing of breaks, with her supervisor. These shared discussions will help nursing mothers and supervisors arrange for mutually agreeable break times, typically 2-3 times a day.

A supervisor who receives a lactation accommodation request will work, as needed, with a Human Resources representative or the location's breastfeeding support program representative to identify available appropriate space and determine a break schedule. Break schedules should be based on the needs of a nursing mother and the operational considerations of the University.

C. Recourse

An employee who has comments, concerns, or questions regarding the University's *Policy On Accommodations for Nursing Mothers* should contact the local Human Resources Office or the location's breastfeeding support program.

A nursing mother who believes she has been denied appropriate accommodation should contact her local Human Resources Office.

VI. RELATED INFORMATION

- [Personnel Policies for Staff Members 31 \(Hours of Work\)](#) (referenced in Section III.B of this policy)
- [California Fair Employment and Housing Act, Government Code Section 12926](#)
- [California Family Rights Act, Government Code Section 12945](#)
- [California Labor Code Section 1030-1033](#)

- [Fair Labor Standards Act – 29 U.S.C 207.r.1](#)
- [Patient Protection and Affordable Care Act – Section 4207 \(Reasonable Break Time for Nursing Mothers\)](#)
- [U.S. Department of Health and Human Services Agency – The Business Case for Breastfeeding](#)
- [Personnel Policies for Staff Members 2 \(Definition of Terms\)](#)
- [Personnel Policies for Staff Members 2.210 \(Absence from Work\)](#)
- [Personnel Policies for Staff Members 81 \(Reasonable Accommodation\)](#)
- [Lawrence Berkeley National Laboratory – For Nursing Mothers](#)
- [UC Berkeley – Breastfeeding Support Program](#)
- [UC Davis – Breastfeeding Support Program](#)
- [UC Irvine – Lactation Accommodation Guidelines](#)
- [UC Los Angeles – Lactation Accommodation Procedures](#)
- [UC Merced – Lactation Accommodation](#)
- [UC Office of the President – Lactation Program for New Mothers](#)
- [UC Riverside – Lactation Accommodation Program](#)
- [UC San Diego – Lactation Accommodation Policy](#)
- [UC San Francisco – Breastfeeding Services](#)
- [UC Santa Barbara – Breastfeeding Support Program](#)
- UC Santa Cruz – Breastfeeding Guidelines [under development]

VII. FREQUENTLY ASKED QUESTIONS

1. What is considered a reasonable lactation break?

Generally, nursing mothers need 2-3 lactation breaks during an 8-hour work period. A reasonable amount of time for a lactation break generally will not exceed 30 minutes per break and includes the time associated with travel to and from the lactation space, expressing milk, clean up, and storage.

2. Will a refrigerator for storing milk be provided by the University?

When feasible, yes.

3. How will the University plan for new lactation facilities or for improving current ones?

New building plans as well as plans for renovating existing University buildings should consider the need for inclusion of appropriate lactation facilities. UC can lead the way in taking lactation accommodation from simply accommodation to truly best practices.

VIII. REVISION HISTORY

This is a new policy and has no revision history.