



PPSM 84: Accommodations for Nursing Mothers

Responsible Officer:	Vice President – Systemwide Human Resources
Responsible Office:	SHR – Systemwide Human Resources
Issuance Date:	12/10/2018
Effective Date:	12/10/2018
Last Review Date:	11/15/2018
Scope:	Professional & Support Staff, Managers & Senior Professionals, and Senior Management Group members

Contact:	Abigail Norris
Title:	Policy Specialist
Email:	Abigail.Norris@ucop.edu
Phone:	(510) 987-0612

TABLE OF CONTENTS

I. POLICY SUMMARY	1
II. DEFINITIONS	1
III. POLICY TEXT.....	2
IV. COMPLIANCE/RESPONSIBILITIES	2
V. PROCEDURES.....	4
VI. RELATED INFORMATION	4
VII. FREQUENTLY ASKED QUESTIONS	5
VIII. REVISION HISTORY	6

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

Detailed information about common terms used within Personnel Policies for Staff Members can be found in [Personnel Policies for Staff Members 2 \(Definition of Terms\)](#).

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 [Personnel Policies for Staff Members 30 \(Compensation\)](#), 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 an existing rest period. If the lactation break period cannot run concurrently with the 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–Systemwide Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this 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.

In accordance with [Personnel Policies for Staff Members 1 \(General Provisions\)](#), the authorities and responsibilities delegated to the Chancellor in this policy are also delegated to the Executive Vice President–Chief Operating Officer, Vice President–Agriculture and Natural Resources, Principal Officers of the Regents, and the Lawrence Berkeley National Laboratory Director. Also in accordance with [PPSM 1](#), the authorities granted in this policy may be redelegated except as otherwise indicated.

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–Systemwide Human Resources.

The Vice President–Systemwide 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–Chief Operating Officer 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–Systemwide 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–Systemwide 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–Systemwide Human Resources is accountable for reviewing the administration of this policy. The Director–Systemwide Human Resources 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 [62](#), [63](#), and [64](#) 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 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 appropriate accommodations have not been provided should contact the local Human Resources Office.

VI. RELATED INFORMATION

- [Personnel Policies for Staff Members 30 \(Compensation\)](#) (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 – Lactation Accommodation Program](#)
- [UC Santa Barbara – Lactation Accommodation Program](#)

VII. FREQUENTLY ASKED QUESTIONS

1. What is considered a reasonable lactation break?

Generally, nursing mothers need 2-3 lactation breaks during an eight (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

Policy changes effective as of **December 10, 2018:**

- Removed existing gendered pronouns and replaced with gender-neutral language.
- Updated web and document links, office titles, and typographical amendments.
- Remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

Initial issuance effective **July 3, 2013.**