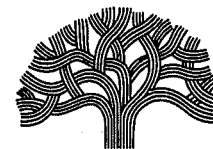


CITY OF OAKLAND



CITY OF OAKLAND

ADMINISTRATIVE INSTRUCTION

SUBJECT/AGENCY	Lactation Accommodation	NUMBER	404
REFERENCE	Cal. Labor Code 1030, 1031, 1033, 1034 Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) Administrative Instruction 71	EFFECTIVE	February 20, 2020
SUPERSEDE	N/A		

I. PURPOSE

The purpose of this Administrative Instruction is to: (1) recognize employees' rights to request a lactation accommodation; (2) establish the process for an employee to make a request for lactation accommodation; (3) outline the City's obligation to respond to requests of lactation accommodation; and (4) comply with State and Federal legal requirements regarding lactation accommodations provided by the City to its employees.

II. POLICY

A. General

The City supports the legal right and necessity of employees who choose to express milk in the workplace.

B. Communication

A copy of this policy will be disseminated to every newly hired employee. A copy of this policy shall also be provided when an employee makes an inquiry about or requests parental leave.

C. Requests for Lactation Accommodation

Employees have the right to request a lactation accommodation which shall be made in writing using the attached Lactation Accommodation Request Form ("LARF"). LARFs shall be submitted to Risk Management.

If the City cannot provide break time or a location that complies with section E. of this policy, the City shall provide a written response to the employee within five (5) business days of receipt of the employee's LARF.

D. Breaks

The City shall provide a reasonable amount of break time to an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. If break time for an employee that does not run concurrently with the break time already provided, or when additional time is necessary, the break time may be unpaid.

E. Lactation Rooms or Locations

1. The City shall provide an employee with the use of a private room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works if it meets the requirements of this section.
2. A lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
3. A lactation room or location shall comply with all of the following requirements:
 - (a) Be safe, clean, and free of hazardous materials.
 - (b) Contain a surface to place a breast pump and personal items.
 - (c) Contain a place to sit.
 - (d) Have 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.
4. The City shall provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, the City may provide another cooling device suitable for storing milk, such as an employer-provided cooler.
5. Where a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over the other uses.
6. The City may designate a lactation site that is temporary, due to operational, financial, or space limitations. These temporary spaces shall be compliant with this section E.

F. Record Keeping

The City shall maintain a record of lactation accommodation requests for a minimum of three (3) years from the date of the request. The City shall make these records available upon the employee's request.

G. Prohibition of Retaliation

The City expressly prohibits retaliation against lactating employees. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.

H. Right to File a Complaint

Employees have the right to file a complaint with the City's Equal Opportunity Programs Department and/or Labor Commissioner for any violation State law regarding lactation accommodation.

III. DEFINITIONS

Term

Hazardous Materials

Definition

As defined by CA Labor Code § 6382.

IV. PROCEDURES

<u>Responsible Party</u>	<u>Action</u>
Human Resources - New Employee Orientation	1. Provide each newly hired employee with a copy of the policy.
Employee	1. Submit requests in writing using LARF (Attachment A) to Risk Management.
Human Resources - Risk Management	1. Provide a copy of this Administrative Instruction to any employee that: requests a lactation accommodation, or requests or inquires about parental leave.
	2. Process LARFs within five (5) business days of receipt.
	3. Maintain all records relating to lactation accommodations for a minimum of three (3) years.
	4. Make records available for inspection upon request of employee.
Department Head, Managers, Supervisors	1. Direct employees to contact Risk Management and provide a copy of this Administrative Instruction to any employee that: requests a lactation accommodation, or requests or inquires about parental leave.

V. ADDITIONAL INFORMATION

Should employees have any questions regarding this Administrative Instruction, they may contact Risk Management at 150 Frank H. Ogawa Plaza, 3rd Floor, (510) 238-7165.



Sabrina B. Landreth
City Administrator



Lactation Accommodation Request Form

In accordance with the City of Oakland Administrative Instruction ## - Lactation Accommodation ("AI ##"), the City will provide breastfeeding employees with a reasonable amount of break time and a room or other location for the employee to express milk in private.

Employees must submit this completed and signed form to Risk Management before the start of the request. AI ## together with this request form shall be provided to an employee who makes an inquiry about or requests parental leave.

Employee's Information

Name: _____ Title / Position: _____

Department: _____ Employee Type: Exempt Non-Exempt

City of Oakland Email Address: _____ Phone Extension: _____

Office Location: _____ Supervisor's Name: _____

Number of Daily Breaks Requested: _____ Estimated Length of Each Daily Break: _____

Do you need additional time beyond your break(s) and/or lunch break to express milk? Yes No

Please check all dates that apply and enter the approximate number of additional breaks per day you need to express milk:

<input type="checkbox"/> Monday	<input type="checkbox"/> Tuesday	<input type="checkbox"/> Wednesday	<input type="checkbox"/> Thursday	<input type="checkbox"/> Friday	<input type="checkbox"/> Saturday	<input type="checkbox"/> Sunday
# of breaks:	# of breaks:	# of breaks:	# of breaks:	# of breaks:	# of breaks:	# of breaks:

By signing below, I hereby certify that I have received a copy of the City-wide Lactation Policy.

Employee's Signature

Date

By signing below, I hereby certify that I have read and understand the terms of the Policy, and I approve of this arrangement.

Supervisor's Signature

Date