



IMPROVING LACTATION POLICY IN CALIFORNIA SCHOOLS

Local efforts leading the way



an initiative of





No disclosures



PURPOSE

- Women with children under the age of three are the fastest growing segment of the workforce
- Mothers who work outside the home initiate breastfeeding at the same rate as mothers who stay home
- Duration sharply declines in mothers who return to work



HEALTHY WORKS: LIVE WELL @ WORK

- 25 private sector business, 28 schools districts, 88 school sites
 - Resources, training, education and materials = POLICY and IMPLEMENTATION
 - Lactation Supportive Environment Advisory Team
 - First 5 San Diego

The San Diego Breastfeeding Coalition's:
Breastfeeding Friendly Worksite Award



County of San Diego HHSA

an initiative of



LIVE WELL
SAN DIEGO

WORKSITE LACTATION POLICIES



Breastfeeding...

It's good for the baby, it's good for employees, it's good for business!

Workplace Lactation Accommodation is the law.



For more information, visit our website or email us at:

HealthyWorks.org

Lwlactation@ucsd.edu





- **San Diego County Breastfeeding Coalition (SDCBC)**
- **County of San Diego Health and Human Services Agency**
- **UCSD – University of California San Diego**
- **WIC – Women Infants and Children**
- **SDCOE – San Diego County Office of Education**
- **CSBA – California School Boards Association**



SCHOOL SYSTEMS

- **High rates of women who are of childbearing age**
- **Schedules are highly inflexible**
- **System wide change = High impact**





Process for Effective Implementation

LACTATION ACCOMMODATION BENEFITS

Babies today ...



... your students tomorrow...





A MODEL FOR SUCCESS



Communication



Facilities



Policy



Education & Resources



- School districts generally under resourced to write policy
- Lactation policy/program progress a priority of busy administrators and HR personnel
- Convincing schools to enhance promotion of lactation accommodation policy/related support mechanisms

CSBA SAMPLE POLICY

CSBA Sample Board Policy

All Personnel

BP 4033(a)

LACTATION ACCOMMODATION

Note: The following optional policy may be revised to reflect district practice. Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express milk for their infant children. The Patient Protection and Affordable Care Act (P.L. 111-148, 2010) amended 29 USC 207 of the Fair Labor Standards Act (FLSA) to require employers to provide reasonable break time for nursing mothers, but applies only to employees who are not exempt from the overtime pay requirements of the FLSA (i.e., classified employees). State law (Labor Code 1030-1033) applies to all district employees. Where provisions of the two laws conflict, the statute providing greater protections for employees supersedes. The district should consult legal counsel if questions arise about the application of these laws to a particular employee.

The Fair Employment and Housing Commission has determined that, because breastfeeding is an activity intrinsic to females, termination of an employee because she was still breastfeeding after returning to work from pregnancy disability leave was sexual discrimination in violation of Government Code 12940 and 12945 (*Chavez v. Acosta Tacos*). Furthermore, pursuant to Labor Code 1033, violation of Labor Code 1030-1033 may result in a citation from the Labor Commissioner and/or a civil penalty.

The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.

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.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Note: Although 29 USC 207 limits the length of time that a classified employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code 1030-1033 does not set a specific limit on the infant child's age and therefore provides greater benefits to employees.

CSBA SAMPLE POLICY

CSBA e-Blast to over 800 School Districts

World Breastfeeding Month: Does your district have policies in place?

August has been designated World Breastfeeding Month, drawing attention to the need for employers to accommodate their staff with reasonable break time and an appropriate location to express milk for their infant children. That makes this a good time to review district policies and practices to ensure compliance with legal requirements. CSBA's sample board policy on [lactation accommodation](#) reflects federal and state requirements and prohibits discrimination, harassment and retaliation against a lactating employee. In a sample of about 400 California districts, 41 percent have adopted a policy on lactation accommodation since CSBA's sample policy was issued two years ago. Read more and find links to resources about breastfeeding on [the CSBA blog](#).



LIVE WELL
SAN DIEGO

WORKSITE LACTATION POLICIES

ELECTED OFFICIAL'S POINT OF VIEW

- "It is important for school boards to encourage administrators and principals to create supportive work environments to help breastfeeding employees continue breastfeeding while working. This improves children's and employees' health, saves on health claims, reduces absenteeism, and improves employee morale. And when the children of these employees reach school-age, schools reap an additional benefit - healthier children in our classrooms."

Richard Barrera San Diego
Unified School District



ACCOMMODATIONS



vs.



FINDING OUR CHAMPIONS





County of San Diego HHSA

QUESTIONS?

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www.HealthyWorks.org