



Board Policy No. 211

Lactation Accommodation Policy

ADOPTED: TBD

RECENT AMENDMENT:

SEE ALSO:

SUBJECT CATEGORY: SECTION 200, HUMAN RESOURCES

SUBSECTION: GENERAL

CONTROL DEPARTMENT: HUMAN RESOURCES, GENERAL COUNSEL

I. PURPOSE

The purpose of this policy is to establish guidelines for promoting a lactation friendly work environment in support of nursing employees. The Alameda-Contra Costa Transit District (the "District") supports the legal right and need of employees to express milk in the workplace. All employees have the right to request a lactation accommodation. This policy shall comply with all applicable local, state and federal laws, regulations and District collective bargaining agreements.

II. PERSONS AFFECTED

All District employees. District collective bargaining agreements shall take precedence over this policy if a conflict exists. Represented employees should review their collective bargaining agreement and/or speak to their Union representative for additional clarity on attendance guidelines as applicable.

III. POLICY

A. Facilities

1. Each AC Transit building facility is equipped with a lactation room that
 - a) Is not a bathroom;
 - b) Is safe, clean and free of hazardous materials;
 - c) Contains a surface to place a breast pump and personal items;
 - d) Contains a place to sit;
 - e) Has access to electricity or alternative devices needed to operate an electric or battery-powered breast pump; and
 - f) Is located near a sink with running water and a refrigerator suitable for storing milk.

B. Request Procedure

1. An employee who has a need for lactation accommodations should inform a representative of the Leave Management Department, within Human Resources, through completion of a Post-Pregnancy Accommodation Request Form. The Request Form must be submitted to a representative of the Leave Management Department.

2. The Post-Pregnancy Accommodation Request Form may be obtained from the Leave Management Department or from the AC Transit Human Resources Leave Management Intranet site.
3. Leave Management representatives who receive a Post-Pregnancy Accommodation Request Form are responsible for engaging in the interactive process with the employee to determine the best means to provide the employee with a reasonable amount of break time to accommodate the employee's need to express milk. If it is determined that the District cannot provide a reasonable amount of break time or a location that complies with this policy, the District shall provide a written response to the employee.
4. Employees are expected to cooperate with all requirements of the lactation accommodation process, including but not limited to:
 - a. Completing and returning the Post-Pregnancy Accommodation Request Form;
 - b. Engaging in the interactive process; and
 - c. Being responsive to all communications from the District.

C. Notice

1. The Leave Management Department shall provide a copy of this policy to employees at the following times:
 - a. Upon hire by the District;
 - b. When an employee makes an inquiry about or requests parental leave; and/or
 - c. Any time the Leave Management Department is put on notice that an employee may need a lactation accommodation.
2. The Leave Management Department shall be the lead for lactation accommodations and shall monitor and provide guidance to departments for compliance with this directive, related policies and procedures, and recommended training.

D. Zero Tolerance

1. Lactation should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a nursing employee; such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile or offensive working environment.
2. Any incident of harassment of a lactating employee will be addressed in accordance with the District's policies and procedures for discrimination and harassment.

E. Filing a Complaint

1. Employees who believe they have been denied appropriate accommodation are encouraged to contact the District's EEO Program Administrator. Investigations will be conducted in accordance with the District's EEO Complaint Procedure.
2. Employees who believe they have been denied appropriate lactation accommodations have the right to file a complaint with the Labor Commissioner for the State of California.

IV. AUTHORITY

A. Board Authority

In compliance with regulatory updates that may require amendments to this policy, the Compliance Department will recommend changes or amendments to the Board of Directors, as needed. The Board of Directors shall have sole authority to amend this policy, per the recommendation of the Compliance Department, which may consult with Leave Management.