

SJSU Research Foundation Lactation Accommodation Policy

Human Resources

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1.0 Purpose

The San José State University Research Foundation (“the Research Foundation”) *Lactation Accommodation Policy* establishes guidelines for accommodating lactating employees for as long as they desire to express breast milk for their infant child. This policy further describes the procedure for nursing employees to request an accommodation.

2.0 Responsibility

In partnership and collaboration with the Research Foundation executive director and department managers, the Research Foundation’s Human Resources director or designee is directly responsible for implementing, overseeing, and directing this policy across the organization.

3.0 Scope

This policy applies to all employees upon hire. A copy of this policy will be provided to employees upon request, and when an employee inquires about pregnancy or parental leave. A copy of the policy will also be provided to an employee prior to the commencement of maternity leave and when the employee returns to work following maternity leave.

4.0 Definitions

Not Applicable.

5.0 Policy

The Research Foundation recognizes the benefits of breastfeeding for both parent and infant, as well as the employee’s right to request lactation accommodations. In accordance with applicable state and federal laws, the Research Foundation will support any lactating employee desiring to express breast milk for their infant child. As such, subject to any exemption allowed under applicable law, the Research Foundation will provide employees with a suitable clean location and reasonable break time to express breast milk in private.

5.1 Lactation Accommodation Request Procedure

Employees have a right to request an accommodation for lactation. Employees who wish to express breast milk must notify the Human Resources director or designee within two weeks of the need for accommodation. The Human Resources director or designee will then engage in an interactive process and partner and collaborate with the employee and

the employee's department to ensure that appropriate time is allowed for the accommodation and to ensure that a private location is agreed upon and provided.

If a break time or an appropriately compliant location cannot be made, the employee will receive a written response from the Human Resources department.

5.2 Time to Express Breast Milk

Employees who wish to express breast milk must notify the Human Resources director or designee, who will partner and collaborate with the employee's department manager to arrange time and to provide a location as noted and described in Section 5.3 below.

5.2.1 Use of Meal and Break Times: During their work day, employees may use their normal breaks (paid time) and meal times (unpaid time) to express milk. If possible, the lactation time should run concurrently with the employee's regular meal or break time. If the employee needs different times or extra time outside of their regular meal or break time (s), the department manager will engage in an interactive process and partner with Human Resources and the employee to designate a separate time.

5.2.2 Additional Time: If the employee needs an additional reasonable amount of time outside of the normal paid break time (s), the employee may take unpaid time, use personal leave, or make up the time, as negotiated with their department.

5.3 Lactation Area and Facilities

The Research Foundation will provide employees with a clean **lactation area** that is in close proximity to the employee's work area. Areas such as restrooms, storage rooms or closets shall not be used for lactation space purposes.

The lactation area will:

- Be private, shielded from view and free from intrusion from co-workers and the public. Examples include a private office or conference room that be secured.
- Be safe, clean and free of hazardous materials.
- Have a surface upon which to place a breast pump and other personal items.
- Have access to electricity, including extension cords or charging stations needed to operate an electric or battery powered breast pump.
- Have access to a sink with running water and a refrigerator or other cooling device for storage in close proximity to the employee's work area.
- Contain comfortable seating suitable for use when expressing milk.

The employee must:

- Provide their own containers for their expressed milk
- Ensure that the area is cleaned up after each use
- Remove their personal items from the area
- Be considerate of the needs of their department and their team members.

5.4 Protection from Discrimination, Harassment, or Retaliation

The Research Foundation will not tolerate discrimination, harassment, or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. Under this policy harassment of breastfeeding employees and/or denial of access to employment are strictly prohibited.

Any incident of discrimination, harassment, or retaliation of a breastfeeding employee should be reported immediately to Research Foundation Human Resources. Employee concerns will be investigated, addressed, and resolved in accordance with the Research Foundation's discrimination, harassment, and retaliation prevention policies and procedures.

5.5 Filing a Complaint

Any employee who believes that the Research Foundation has not complied with any of the *Lactation Policy* requirements, should contact the Human Resources department immediately, so that the matter can be addressed and resolved. Employees also have the right to file a complaint with the State Labor Commissioner's offices.

6.0 Related Policy Information

SJSU Research Foundation Discrimination, Harassment, and Retaliation Prevention Policy

State of California Industrial Relations Lactation Accommodation

https://www.dir.ca.gov/dlse/Lactation_Accommodation.htm

7.0 Required Forms

Not applicable.

8.0 References and Related Information

Not applicable.

9.0 Record Retention

All documents and records are maintained in accordance with Research Foundation Record Retention requirements.

Record	Retention
<i>Lactation Accommodation Policy</i>	This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation Record Retention requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.