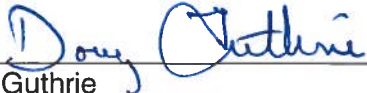


**RESOLUTION ADOPTING THE "LACTATION ACCOMMODATION POLICY" AS PART OF THE HOUSING AUTHORITY OF THE CITY OF LOS ANGELES' MANUAL OF POLICY AND PROCEDURE**



Douglas Guthrie  
President & Chief Executive Officer



Annie Markarian  
Director, Labor & Employee Relations

**Purpose:** The purpose of this item is to adopt the proposed "Lactation Accommodation Policy" as part of the Housing Authority of the City of Los Angeles' Manual of Policy and Procedure ("MPP").

California Senate Bill 142 amends California Labor Code section 1030, et seq., significantly expanding an employer's obligation to provide lactation accommodations. In addition to the substantive changes to the Labor Code, the new law requires that California employers develop and implement a policy regarding lactation accommodation. This item requests that the Board of Commissioners adopt the proposed Lactation Accommodation Policy in compliance with legal requirements.

**Issues:** While lactation accommodation requirements are not new to California employers, Senate Bill 142, which became effective on January 1, 2020, significantly expands an employer's obligation to provide lactation accommodations.

Senate Bill 142 amends California Labor Code §1031 to require that private lactation spaces—permanent or temporary—must comply with all of the following: (1) be shielded from view and free from intrusion while the employee expresses milk; (2) be safe, clean, and free of hazardous materials; (3) contain a surface to place a breast pump and personal items; (4) contain a place to sit; and (5) have access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery-powered breast pump. In addition, employers are required to provide access to a sink with running water and a refrigerator or cooler suitable for storing milk in close proximity to the employee's work space.

Senate Bill 142 also requires that California employers develop and implement a policy regarding lactation accommodation requirements that include the following: (1) a statement about an employee's right to request lactation accommodation; (2) the process by which an employee makes the request; (3) an employer's obligation to respond to the request; and (4) a statement about an employee's right to file a complaint with the labor commissioner for any violation of law.

Since the signing of Senate Bill 142, the Agency has identified appropriate space at all sites where we have employees to ensure compliance with the new law. Additionally, we have drafted the proposed Lactation Accommodation Policy which meets the legal requirements. We intend to distribute this policy to all employees at time of onboarding, when they request Pregnancy Leave/Baby Bonding, and when they return from Pregnancy Leave/Baby Bonding. Additionally, the policy will be available on the Agency's Intranet.

**Vision Plan:** Although the adoption of the Lactation Accommodation Policy is intended to comply with legal requirements, it supports all four core principals of the Agency's vision plan by accommodating nursing employees' lactation needs and promoting a work environment that is supportive of employees who wish to express milk during the workday.

**Funding:** Not Applicable

**Environmental Review:** Not Applicable

**Section 3:** Not Applicable

**Attachments:**

1. **Proposed Lactation Accommodation Policy**
2. **Resolution**

## **LACTATION ACCOMMODATION POLICY**

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It is the policy of Housing Authority of the City of Los Angeles (“HACLA”) to accommodate nursing employees’ lactation needs as set forth below.

### **PURPOSE**

This Lactation Accommodation Policy (“Policy”) is established for HACLA, which recognizes the need to promote a work environment that is supportive of employees who wish to express milk during her workday.

### **I. GENERAL PROVISIONS**

#### **A. BREAK TIME**

Lactating employees shall be provided a reasonable amount of time to accommodate their need to express breast milk each time the employee has the need to express milk. The lactation time shall, if possible, run concurrently with any break and/or mealtime already provided to the employee. Lactation time for a non-exempt employee that does not run concurrently with, or is in excess of, an employee’s break/meal time shall be considered unpaid personal time subject to available accrued leave time.

#### **B. APPROPRIATE LOCATION**

An appropriate private space shall be provided for lactating employees to express milk, with reasonable efforts made for the designated location to be in close proximity to the employees’ work area. Restrooms and closets are not appropriate spaces for lactation purposes. If a multipurpose room is used for lactation among other uses, the use of the room for lactation shall take precedence.

The designated location shall be shielded from view and free from intrusion from agency staff and the public, and may include the place where the employee normally works, such as her private office, if it otherwise meets the aforementioned requirements.

The designated location shall be (1) safe, clean and free from hazardous materials; (2) contain a surface to place a breast pump and personal items; (3) contain a place to sit; and (4) have access to electricity or alternate devices, including extension cords or charging stations need to operate an electric or battery-powered breast pump.

In addition, the lactating employee shall be provided with access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee’s work area.

#### **C. NOTICE**

This Policy shall be disseminated to every incoming employee, employees requesting maternity leave, and to employees requesting parental leave.

## **LACTATION ACCOMMODATION POLICY**

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The Human Resources Department shall be the lead department for lactation accommodation and shall monitor and provide guidance to other departments for compliance with this Policy.

### **II. MANAGEMENT'S ROLE AND RESPONSIBILITIES**

An employee has the right to request a lactation accommodation. An employee who has need for a lactation accommodation should inform her direct supervisor and/or HACLA's Human Resources Department.

Supervisors must forward requests for lactation accommodation to the Human Resources Department. Human Resources staff who receive a lactation accommodation request shall do the following:

1. Provide the employee with designated space information for their site.
2. Coordinate if more than one (1) employee is utilizing the designated space
3. Respond to the employee's request in writing detailing accommodations that will be made.

Any questions or concerns regarding an employees' accommodation or use of time under this Policy should be addressed with Human Resources.

### **III. VIOLATIONS**

It is prohibited under this Policy to harass or discriminate against a lactating employee; such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a lactating employee will be addressed in accordance with HACLA's Anti-Harassment Policy.

### **III. FILING A COMPLAINT**

Employees who feel they have been denied appropriate accommodation are encouraged to contact the Human Resources Department for assistance. Employees may file a complaint with the Labor Commissioner should they believe a violation of any rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations have occurred.

### **IV. AMENDMENTS**

This Policy may only be amended by the Board of Commissioners.

### **V. ADDITIONAL PROCEDURES**

The President and CEO or designee has the authority to adopt any additional procedures they deem necessary to implement or improve this Policy from time to time.

RESOLUTION NO. \_\_\_\_\_

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**WHEREAS**, for the reasons set forth in the Board report presented to the Board of Commissioners at its meeting held this date, it is in the best interest of the Authority to adopt the proposed "Lactation Accommodation Policy", which memorializes HACLA's commitment to providing appropriate and legally required lactation accommodations to nursing employees.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners approve the attached "Lactation Accommodation Policy" and authorizes the development and implementation of procedures to be approved by the President and CEO in furtherance of said Policy, as needed.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

HOUSING AUTHORITY OF THE  
CITY OF LOS ANGELES

By: \_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
General Counsel

DATE ADOPTED: \_\_\_\_\_



