

# CAPS PROPOSAL

**Bargaining Unit:** 10

**Date:** June 15, 2021;  
2:21PM

**Exclusive Representative:** CAPS

**Article:** 5.xx

**Subject:** Health and Welfare

## 5.xx Lactation Accommodation

- A. Employers are required to provide a reasonable amount of break time and an appropriate location to accommodate an employee desiring to express breast milk for an infant child each time the employee has a need to express milk. Departments are encouraged to be flexible, accommodating, and in compliance with current California and federal laws.

If possible, the time allotted for the purpose of expressing breast milk should run concurrently with any break time already provided to the employee. Frequency and duration of lactation sessions will vary. While the routine break times provided may be sufficient for some women to complete the process, others may need additional time and departments shall allow for all time necessary.

- B. State Law further requires employers to provide employees with the use of a room or other location in which to express breast milk in private. The room or location must be in close proximity to the employee's work area, may not be a restroom, and must be shielded from view and free from intrusion by coworkers and the public while the employee is expressing milk. To facilitate privacy, a lock may be added to the door or a sign may be posted on the entrance indicating the room is in use.
- C. The room or location where the employee normally works may be used for the purpose of expressing milk if it otherwise meets the following requirements:
- Be safe, clean, and free of hazardous materials as defined in Labor Code section 6382.
  - Contain a surface to place a breast pump and personal items.
  - Contain a place to sit.
  - Have electricity or alternative devices, including, but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump.
- D. The employer must provide, in close proximity to the employee's workspace, access to a sink with running water and a refrigerator or another cooling device suitable for storing milk, such as an employer-provided cooler.
- E. An employer shall not discharge, or in any other manner discriminate or retaliate against an employee for exercising or attempting to exercise any right to lactation accommodation.
- F. Should a Department not comply with this section, they will be subject to State Law fines.

G. This section is subject to the Grievance Procedure as outlined in Article 9 of this MOU up to Level 4.