

State of California

MEMORANDUM

TO: PERSONNEL MANAGEMENT LIAISONS      DATE: January 11, 2002  
REFERENCE CODE: 2002-004

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers

FROM: Department of Personnel Administration  
Policy Development Office

SUBJECT: Lactation Accommodation

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The purpose of this memo is to inform departments of the provisions of Assembly Bill (AB) 1025 (Chapter 821, Statutes of 2001). This legislation added Chapter 3.8 (commencing with section 1030) to Part 3 of Division 2 of the Labor Code to require employers to provide a reasonable amount of break time and an appropriate location to accommodate an employee desiring to express breast milk for the employee's infant child.

In continued support of the "family friendly" work environment, and to facilitate the expedient and successful return of employees to work, departments are encouraged to develop flexible and accommodating guidelines implementing this legislation and meeting the employee's need to express breast milk.

The statute requires that the time allotted for the purpose of expressing breast milk run concurrently with any break time already provided to the employee, if possible. Typically, a lactating woman will need approximately 15 to 30 minutes for each pump session to express breast milk. And, although it varies from woman to woman, the need to express breast milk may occur every two to three hours that she is away from her baby. While the routine break times provided may be sufficient for some women to complete the process of expressing breast milk, additional time may need to be allowed for others.

The statute further requires employers to make reasonable efforts to provide the employee with the use of a room or other location in which to express breast milk. The room or location to be provided



by the employer must be in close proximity to the employee's work area, private, and other than a toilet stall. The room or location where the employee normally works may be used for this purpose if it otherwise meets the requirements.

Examples of workplace spaces which may be appropriate for expressing breast milk include a vacant office, a woman's lounge area, a first aid room, a dressing room, or a room or office space which can be made available during specific times of the day for this purpose. 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.

Assembly Bill 1025 specifies that an employer is not required to provide break time for this purpose if doing so would seriously disrupt the operations of the employer. For example, if the employee performs a job that **only** she can do, and it is not possible for another arrangement to be made to accommodate her need to express breast milk without jeopardizing the business operation, the employer is not required to provide the accommodation.

Lastly, the statute provides that an employer who violates the provisions of this statute may be subject to a \$100 civil penalty, for each violation.

If you have any questions regarding the information provided in this memorandum, please contact Myrna Gregory at the number listed above.



Bob Painter, Chief  
Policy Development Office

