

LACTATION WORK GROUP

Charge: Identify campus facilities, review and revise the campus lactation policy and recommend a campus communication plan.

Timeframe: January 16, 2004 - draft policy, campus communications plan and identified space (both current and future) to be submitted for review and approved by VC John Woods, VC Steve Relyea, AVC Rogers Davis, Women's Center Director Emelyn delaPena.

Workgroup Members: Judi O'Boyle (Director, Analytical Studies, ext. 42579)
Paula Doss (Director, Equal Opportunity, ext. 43694)
Dawn Buttrell (Acting Chief of Staff, RMP, ext. 46514)

Consultants: Judy Bruner (Ombudsperson, ext. 40777)
Linda Levy (Director, Women and Child Services, ext. 33518)

Materials: AB1025 Lactation Accommodation
UCSD Campus Notice Lactation Accommodations, dated 3/25/03
Draft Charge to Committee on Lactation Accommodations
DHS 2/15/02 letter re: New Lactation Accommodation Legislation with various attachments

OUTSTANDING

Review and input from Linda Levy

LACTATION ACCOMODATION DRAFT

NOTE: per Judy Bruner – need to include information about UCSD Healthcare contacts, etc.

I. References and Related Policies

- A. UC Personnel Policy 31/Hours of Work
- B. UC SPP 12 – Nondiscrimination in Employment

II. Policy

A. Scope

- 1. The policy applies to all UCSD employees and students who may need lactation accommodation.

B. Statement

- 1. UCSD will provide a location and a reasonable amount of break time to accommodate employees and students who are nursing mothers pursuant to state laws.
- 2. California Civil Code Section 43.3 (1997), Breastfeeding Rights, provides that a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and child are authorized to be present.
- 3. California Assembly Concurrent Resolution ACR 155 (1998) encourages employers (including the state and University) to support the practice of breastfeeding, to accommodate the needs of lactating employees, and to provide facilities for breastfeeding and expressing milk.
- 4. Section 1030 et seq. was added to the California Labor Code on January 1, 2002 with the passage of California Assembly Bill 1025 (2001). It requires all employers to provide a reasonable amount of break time to employees desiring to express breast milk for their infant children. The time may run concurrently with an employee's paid rest break.

The law also requires employers to provide appropriate space, in close proximity to the employees work area, for the employee to express milk in private.

III. Procedures

A. Lactation Break

- 1. The break time may run concurrently with an employee's paid rest break.

2. The University must make a separate break time available if it is not possible for the lactation break to run concurrently with the employee's existing rest period, but it may be unpaid.
3. It is assumed that the majority of UCSD operations would not be seriously disrupted by providing such breaks. ~~The University may refuse to accommodate a nursing mother only if its operations would be "seriously disrupted" by providing such breaks.~~

B. Lactation Space

1. The new law also requires the University to provide appropriate space in close proximity to the employee's work area, for the employee to express milk in private.
2. The location may be the place where the employee normally works if there is adequate privacy (e.g. the employee's office).
3. Areas such as toilet stalls are not considered appropriate spaces for lactation purposes.

C. How to Access a Lactation Room on Campus

1. Supervisors who receive a lactation accommodation request are advised to do the following:
 - a. Supervisors should review available space in their own department and be prepared to provide appropriate nearby space and break time.
 - b. If the employee does not have a private office and there is no appropriate space nearby, contact the UCSD Quality of Work/Life representative at (858)534-9659 for accessible space assistance.
 - c. Before the supervisor makes a determination to deny space or break time, (s)he should consult a Human Resources Employee Relations Specialist.
2. Employees who need space or break time accommodation assistance are advised to contact Employee Relations (staff) at (858)534-4115 or Academic Employee Relations at (858)822-2041.
3. Students who need space accommodation assistance are advised to contact Student Health Service at (858)534-3300.

D. Compliance and Penalties

1. The University may refuse to accommodate a nursing mother only if its operations would be "seriously disrupted" by providing such breaks.
2. Contemplation of refusing accommodation by a Department head or supervisor must be made on a case-by-case basis and should include consultation with a Human

Resources Employee Relations Specialist. Add Academic Employee Relations and someone in Healthcare? .

3. Breastfeeding mothers are encouraged to contact the Campus Ombuds Office (faculty, staff and students), Employee Relations (staff), Academic Employee Relations or the ~~Student Office for Human Relations (SOHR)~~ if they feel that they have been denied proper and appropriate accommodation.
4. The fine for non-compliance is \$100 for each violation.

For further information and assistance, please contact Employee Relations (staff) at (858)534-4115, Academic Employee Relations at (858)822-2041, Healthcare at _____, or Student Health Services at (858)534-3400 or visit the website at _____.

COMMUNICATION PLAN

The Work Group recommends that after the campus policy is approved, Administrative Records send an electronic notice to All at UCSD (employees, supervisors, students, etc.) to ensure knowledge of the policy, lactation room information, and campus contacts. Additionally, all supervisors/managers should receive supplementary information to ensure awareness of the law and their responsibilities.

The Work Group further recommends that an annual notice be distributed to All at UCSD.

The following venues could be used to inform faculty, staff and students about the lactation policy and UCSD program and services:

- Student orientation materials;
- New Employee Orientation;
- Supervisory Skills Lab;
- announcements via UCSD TV;
- flyers in offices, family housing complexes, campus shuttle;
- UCSD Guardian;
- UCSD Times;
- Student Health Services;
- Associated Students;
- Email;
- Website;
- BLINK

LACTATION ROOM LOCATIONS – POSSIBLE OPPORTUNITIES

East Campus, Cancer Center

Planned lactation room to be located in room 1009 on the first floor

Eleanor Roosevelt College, Great Hall (ground level)

Possible opportunity adjacent to women's restroom.

Muir, McGill Hall (second floor, custodial office)

This custodial office does not have a sink with running water. It has proper lighting, a window with curtains, shelves and a nice tile floor.

Revelle, Urey Hall (sixth floor, custodial office)

This custodial office has a nice bathroom type sink with a hand towel dispenser, shelves, proper lighting and a carpeted floor. Room needs cleaning and paint.

Revelle, Urey Hall (second floor women's restroom – lounge)

There is an existing resting room adjacent to the second floor women's rest room.

School of Medicine, BSB (room B-243)

This room has been designated by the Medical Sciences facilities staff as a lactation room for the Medical School campus.

SIO, Director's Office (women's restroom at building entrance – small locker area)

SIO, Nierenberg Hall (first floor, room 102)

This is one of two custodial lockers. It has shelves, proper lighting, a deep sink and a rolled hand towel dispenser. The floor is concrete; it should be covered with carpet. Room needs cleaning and paint.

Thornton/Perlman

Lactation room currently located in the 3 West Charge Nurses room. Planning to replace with another room to be determined.

Thurgood Marshall, Media Center (first floor, custodial office)

This room has no running water or windows. It is a decent size room with good ventilation, proper lighting and privacy. Need to remove modular desk and clean and paint room.

University Center, CMRR (first floor, outside, west)

This custodial locker has decent ventilation, proper lighting, a deep sink, a hand towel dispenser. The room needs cleaning and paint.

University Center, Price Center Green Room

This room is adjacent to a restroom. It would be available most of the time, except those times when the green room is used as staging for conferences and ballroom events.

Torrey Pines Center North (plaza level kitchen)

Convert un-utilized kitchen. Room has an existing sink and proper lighting. Room would require division of existing space, new floor, painting and window coverings.

Judi: Are these areas near research areas, i.e., labs, etc.? Does this list cover us geographically across the campus? Do we know anything about satellite locations, i.e. Cancer Center, La Jolla Village Drive, etc.?

LACTATION ROOMS - FUTURE OPPORTUNITIES
(Projects currently in design or construction)

School of Medicine

Biomedical Library Addition

Sixth College

Multipurpose Building

Structural Engineering Building

Original Student Center

Women's Center – lactation facility is planned for this building.

Healthcare construction?

WORK GROUP RECOMMENDATIONS

The work group recommends the following:

- Assign the "Women's Center" the oversight and responsibility of the Lactation Program and implementation;
- Target an implementation date of Summer 2004;
- Establish a ~~permanent~~ ^{temporary} coordinating committee headed by the Women's Center with representation from the Student Health Center, Medical Center, School of Medicine and other appropriate departments to share and maximize information and provide education;
- Designate currently available space as lactation rooms and refurbish as appropriate (i.e. cleaning, painting, carpeting, lighting, furnishings, water, necessary electrical for hospital-grade pumps);
- Establish a breastfeeding support program which includes breastfeeding classes, coordination of the use of lactation rooms, and breast pump information;
- Identify and dedicate funding to convert rooms and provide program support;
- Establish and implement an effective communication plan;
- Establish guidelines for inclusion of lactating rooms in new facilities.

Per Judy Bruner's 4/23/04 email: Re: Workgroup recommendations - I think it's a good idea to have the Women's Center involved in this, however we refer to all of the "compliance" offices through the policy - QWL, ER, Ac ER, etc but not to the Women's Center - will the Women's Center have the political clout to oversee it solo and be responsible for its implementation? I'm thinking, for example, that some of the recommendations include further identification of rooms and converting them (which I agree with) - I think it would be hard for the Women's Center to politic through the political and actual dollar costs of doing this, given that they are a community center..? Or do we envision the permanent coordinating committee having some compliance, money and quasi-decision making people who could actually say, "yes, we can take that space by eminent domain, or yes we can put \$1000 into revamping that room" .. ? (FYI, the School of Med said it cost them about \$1000 to convert the room in BSB). I'm not necessarily saying don't have the Women's Center anchor the project, I'm just wondering if there's a way to set it up so that they will increase their chances of success.

THOUGHTS/COMMENTS/SUGGESTIONS/WORDING TO INCLUDE IN OUR DOCUMENT????