

Policy EBBC: LACTATION SUPPORT

Status: DRAFT

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24C UPDATE EXPLANATION

This policy was revised to align with the Pregnant Workers Fairness Act (PWFA), a new federal law that requires employers with 15 or more employees to provide accommodations to employees' known physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. This obligation exists even if the condition does not rise to the level of a disability. Lactation is obviously one of the physical conditions arising out of pregnancy.

Under the PWFA, it is illegal to:

1. Not make reasonable accommodations, unless the district can demonstrate that the accommodations would impose an undue hardship on the operation of business;
2. Require an employee to accept an accommodation other than a reasonable accommodation arrived at through an interactive process;
3. Deny employment opportunities to an employee because the employee needs an accommodation;
4. Require a qualified employee to take paid or unpaid leave if another reasonable accommodation can be provided to the known limitations; or
5. Take adverse employment action against a qualified employee because the employee requested or used a reasonable accommodation.

It is not necessary for an employee who is pregnant or has pregnancy-related limitations to show unfair treatment in the accommodations they are afforded compared to the accommodations afforded to other employees (previously, accommodations were sometimes denied for lack of similarly situated employees with whom to compare treatment).

For more information on the PWFA, go to <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>.

For the convenience of district staff, students, and the public, and to support the care of children, the district will provide accommodations as required by law for lactation activities. For the purposes of this policy, "lactation activities" include expressing breast milk, breastfeeding a child, or addressing other needs related to lactation. The district will provide employees and students a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to express breast milk or breastfeed a child for at least one year following the child's birth.

Lactation Rooms

In accordance with state law, the district allows breastfeeding or expressing breast milk, with discretion, in any public or private location where the person is otherwise authorized to be. To further accommodate lactation activities, the superintendent or designee will identify at least one room that is not a restroom in each school building to be used exclusively for lactation activities. The room will meet the requirements of state and federal law.

Employees

Employees are encouraged to notify their supervisors in advance if they need reasonable accommodations for lactation activities. Accommodations will be provided as required by law after an interactive process with the employee. The supervisors will work with the employees to address arrangements and scheduling to minimize disruptions to the school day and ensure that the employee's duties are covered during the break time and minimize disruptions to the school day.

Providing breaks to classroom teachers and other employees who directly supervise students throughout the day is particularly challenging because students cannot be left unsupervised and student learning cannot be disrupted. The

district expects asks these employees to be particularly flexible and, when possible, to use planning periods, lunch breaks, routine breaks in their class schedule, or other free time to meet their lactation-related needs.

Employees experiencing limitations related to pregnancy, childbirth, or related medical conditions may also seek other reasonable accommodations in accordance with law.

The district will not deny employment opportunities or take adverse employment action against an employee who has requested reasonable accommodations.

This policy does not entitle an employee to bring or keep an infant at work during times when the employee is required to be working.

Students

Lactating students should contact the counselor or Title IX coordinator, who will make arrangements with the student to create a schedule that results in the least amount of missed class time. Students will be allowed to make up work missed due to lactation activities. If it is not possible to make up the missed work, the student will be provided an alternative assignment.

This policy does not entitle a student to bring an infant to school during the school day when the student is required to be in class.

Public

Members of the public are allowed to engage in lactation activities while on district property and may use the district's designated lactation rooms to do so.