

Human Resources

AP 7348 ACCOMMODATIONS - NEW**References:**

29 U.S. Code Section 207(r);
42 U.S. Code Section 12101 et seq.;
42 U.S. Code Sections 2000e et seq.;
29 Code of Federal Regulations Parts 1605.1 et seq.
Government Code Sections 12926, 12940, and 12945;
Labor Code Sections 230 and 1030 et seq.
Title 2 Sections 11040 et seq., 11050, et seq., and 11060 et seq.

To ensure equal employment opportunities to qualified employees and applicants with a disability, Marin Community College District will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the business's operation would result. Such accommodations are made in an effort to comply with the intent of the American's With Disabilities Act (ADA) and related laws. The making of an accommodation for a particular employee does not obligate the District to make reasonable accommodations in the future for the same or similarly situated employee.

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;
- employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;
- employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

Reasonable Accommodation Process

Any qualified employee or applicant who may require reasonable accommodation should contact the Human Resources Department to begin the interactive process. An employee requesting reasonable accommodation must submit with his/her request, documentation from their physician confirming their disability. Upon receiving the required paperwork from the employee, the Human Resources Department, in collaboration with the employee's current supervisor will make the determination as to whether the employee qualifies for reasonable accommodation.

If the employee qualifies for reasonable accommodation, Human Resources Department, in consultation with the appropriate supervisor, and other appropriate management personnel, shall arrange a meeting between the employee and Human Resources Department and any other relevant parties to convene the interactive process under the ADA.

See collective bargaining agreements for reasonable accommodations if applicable.

Lactation Accommodation

Marin Community College District recognizes that breastmilk is the optimal food for growth and development of infants and is committed to providing support of breastfeeding mothers by accommodating the employees who wish to express breast milk during their work schedule when separated from her newborn child. Employees may request lactation accommodations through the Human Resources Department.

An employee is entitled to a reasonable amount of break time to express breast milk for the employee's infant.

An overtime-eligible employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The District will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The District will attempt to find a location in close proximity to the employee's work area, and the location will be other than a bathroom. The location shall contain a surface to place a breast pump and personal items, a place to sit, and have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump. Access to a sink with running water and a refrigerator or other suitable cooling device suitable for storing milk in close proximity to the employee's workspace will also be provided.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

Employees may file a complaint with the Labor Commissioner for any alleged violation of Labor Code Sections 1030, et seq., which governs lactations accommodations.

Employee Responsibilities

Employees who wish to express milk during their work schedule must inform their supervisor so that appropriate accommodations can be made to satisfy the needs of both the employee and operational needs.

Employees are responsible for keeping lactation areas clean. This responsibility extends to both designated lactation areas, as well as other areas where lactation will occur.

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using the District's provided refrigerator/personal storage coolers.

When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in the room to designate milk expression times that are most convenient or best meet their needs.

See Also: AP 5203 Lactation Accommodation

Office of Primary Responsibility: Human Resources

Date Adopted: November 17, 2020