

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea and Micheli and an adjunct professor at McGeorge School of Law.

This podcast covers Assembly Bill 1976 from the 2018 legislative session, which essentially mandates that California employers must provide additional lactation accommodation to their employees. Governor Jerry Brown signed Assembly Bill 1976 by Assemblymember Monique Limón on September 30th as Chapter 940.

The bill requires an employer to make reasonable efforts to provide an employee wishing to express milk in private with an area in close proximity to her workspace that is not a bathroom.

The bill is effective January 1, 2019 and amends Labor Code Section 1031. Now, essentially, the bill provides ag employers to be in compliance with these requirements if they provide the employee with a private, enclosed, and shaded space. Also, the requirement was removed that the temporary lactation accommodation space be air conditioned.

The bill also allows employers who show that providing an employee with a lactation space that is not a bathroom would constitute undue hardship to that business to provide a lactation space that is not a bathroom stall. Now, AB 1976 requires an employer to make reasonable efforts to provide that employee with use of a room or other location other than a bathroom.

In Labor Code Section 1031A, the bill strikes "toilet stall" and replaces it with the word "bathroom." Also, subdivision B deems an employer to be in compliance with this provision of law if all four conditions that I'll specify are met.

One, the employer is unable to provide a permanent lactation location because of operational, financial, or space limitations.

Two, the temporary lactation location is private and free from intrusion while an employee expresses milk.

Three, the temporary lactation location is used only for lactation purposes while an employee expresses milk.

Four, the temporary lactation location otherwise meets the requirements of state law.

Now, a note to employers. Existing law makes a violation of these provisions subject to a civil penalty and makes the Labor Commissioner responsible for enforcement. These provisions of existing law continue even after AB 1976's additional lactation accommodation requirements.

Thanks for joining this podcast.