

MATERNITY AND PATERNITY LEAVE AND RETURN TOOLKIT FOR EMPLOYERS AND EMPLOYEES

Toolkit contents include

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Additional Resources

Developed by the Healthy Mothers Workplace Coalition





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Introduction

The *Maternity Leave and Return Toolkit* was created in 2013 and updated yearly to inform, educate and empower workplaces to address the unique needs of working parents. It breaks down complex human resources requirements, making them more accessible and understandable to parents and employers alike. It also includes: a sample breastfeeding policy; a flexibility request form for employers looking to fulfill their obligations under the Family Friendly Workplace Ordinance; and the assessment tool for the 2016 Healthy Mothers Workplace Award. Ultimately, the toolkit aims to advance the employer-employee dialogue on work-family balance and workplace accommodations.

The toolkit's checklists do not provide an exhaustive list of human resources requirements. The last section highlights additional resources for employers looking for more information on legal requirements and California policy. However, this toolkit is not meant to serve as a substitute for the counsel of your lawyer or human resources professional.

The development of this toolkit was led by Jessica Napier, a Coalition member and the Senior Director of Human Resources at the Boys & Girls Clubs of San Francisco.

Healthy Mothers Workplace

Workplace conditions affect the health of new parents and their infants. Working mothers confront difficult challenges in balancing healthy motherhood, nursing and child development with their career. Additionally, employer policies related to lactation accommodation, pregnancy and parental leave, and work-family balance can differ significantly across job sectors and socioeconomic status of workers. Such policy differences lead to disparities in critical health outcomes for women and infants, including postpartum depression, psychological stress, breastfeeding duration and childhood development.

The **Healthy Mothers Workplace Coalition** was created to tackle these inequities and gaps in policy. The Healthy Mothers Workplace Coalition combines the valuable perspectives and contributions of nonprofit organizations, government agencies and employers to improve workplace policies that promote health as well as gender and social equity.

In 2013, the Coalition developed the annual **Healthy Mothers Workplace Award for Excellence in Maternal Health and Equity** that recognized San Francisco employers with policies that support the well-being of their workers – organizations that are leading the way to a healthier and more equitable community. Complete and return the assessment in this packet to be considered for the Healthy Mothers Workplace Award.

To learn more about the Coalition, contact us at sfhealthymothers@gmail.com

www.healthymothersworkplace.org
@healthy_mothers (Twitter)
Healthy Mothers Workplace (FB)
Healthy Mothers Workplace Coalition (LinkedIn)



Employer Checklist for Pregnancy Disability Leave (PDL)

Employers with five or more employees must provide Pregnancy Disability Leave (PDL) regardless of length in service or hours worked.

Employee Name

Date

Department

Supervisor

Yes	No	
		Employer has posted the Pregnancy Disability Leave (PDL) required notice.
		Employer has published a PDL policy in its employee handbook.
		Employer has provided employee a copy of the PDL required notice as soon as practicable after the employee tells the employer of her pregnancy, or sooner if the employee asks about a reasonable accommodation, transfer or pregnancy disability leave.
		Employee has requested a leave of absence due to pregnancy-related conditions. <input type="checkbox"/> If yes, date leave of absence request received: _____
		Employee is disabled because of pregnancy, childbirth or related medical condition. If yes, employer has provided employee with pamphlet DE 2515 regarding State Disability Insurance. <input type="checkbox"/> If yes, date pamphlet DE 2515 provided: _____
		Employer requires medical certification of need for leave, accommodation or transfer. (You can require certification for PDL if you also require it for other sick or disability types of leave.) If yes: If the need for leave is foreseeable then employee has provided 30 days advance notice of the need for leave. <input type="checkbox"/> If yes, date medical certification provided: _____ If the need for leave is not foreseeable, the employee has provided notice as soon as practicable. <input type="checkbox"/> If yes, date medical certification provided: _____
		Employer has responded to employee's request for PDL, transfer or accommodation within 10 days of receiving request. <input type="checkbox"/> Date request received: _____ <input type="checkbox"/> If yes, date employer responded to request: _____



Employer Checklist for Pregnancy Disability Leave (PDL)

Employers with five or more employees must provide Pregnancy Disability Leave (PDL) regardless of length in service or hours worked.

Yes	No	
		Employer requires medical certification of the employee's ability to return from PDL. (You can require a medical release if you also require releases for other disability leaves.) If yes, employee is on notice of the medical certification requirement and has been given a form for her treating physician to complete. <input type="checkbox"/> If yes, date form provided: _____
		Employer pays for other types of disability leave; therefore, this employee must be paid. <input type="checkbox"/> If yes, amount of time for employee to be paid: _____
		Employee may elect to use any accrued sick leave during unpaid leave. <input type="checkbox"/> If yes, number of hours of accrued sick leave available to employee: _____
		Employee has vacation accrued that she may use during the unpaid PDL. <input type="checkbox"/> If yes, number of hours of accrued vacation leave available to employee: _____
		Employee has requested intermittent leave or a reduced work schedule. If yes, employee has provided medical documentation of the need for such leave. <input type="checkbox"/> If yes, date employee provided medical documentation: _____
		Employee has requested reasonable accommodation or transfer for conditions related to her pregnancy, childbirth or related medical conditions. If yes, employee has provided certification that her physician advises the accommodation or transfer. <input type="checkbox"/> If yes, date employee provided advisory certification: _____
		Employer currently provides and contributes to employee's group health insurance coverage; therefore, the employer must continue to provide and contribute to this coverage during PDL. (If employer does not already provide health insurance, it is not required to begin doing so when the employee takes PDL.) <input type="checkbox"/> If yes, date employee will continue to pay her portion of the coverage premium: _____
		Employee may participate in other employee benefits.
		The employee returned to work within the time allowed by law. (Consider extension of leave as a reasonable accommodation for a disability, if applicable.) <input type="checkbox"/> If yes, date employee returned to work: _____

Human Resources Signature

Date



Employer Checklist for Returning Mothers

Employee Name

Date

Department

Supervisor

One Week Prior to Return – Contact Employee and Supervisor

Date contacted: _____

Confirm employee's return-to-work date

Confirmed return-to-work date: _____

Yes	No	
		<p>Does employee need a place to express milk?</p> <p><input type="checkbox"/> If yes, request workspace modification Date requested: _____ Date completed: _____</p> <p><input type="checkbox"/> If yes, notify supervisor of accommodation Date notified: _____</p>
		<p>Does employee need any other workspace accommodations?</p> <p><input type="checkbox"/> If yes, what type of accommodation(s) _____</p> <p><input type="checkbox"/> If yes, request workspace modification Date requested: _____ Date completed: _____</p> <p><input type="checkbox"/> If yes, notify supervisor of accommodation Date notified: _____</p>

Human Resources Signature

Date



Employer Checklist for Returning Mothers

Employee Name

Date

Department

Supervisor

First Day Back to Work – Contact Employee and Supervisor

Date contacted: _____

Yes

No

Check in with employee about the accommodation and workspace

Set up a follow-up meeting for the next week to discuss accommodations

Date to check in: _____

Check in with supervisor about employee's first day back to work

Date contacted: _____

Comments or recommendations:

Human Resources Signature

Date



Employer Checklist for Returning Mothers

Employee Name

Date

Department

Supervisor

Second Week Back at Work – Contact Employee and Supervisor

Date contacted: _____

Yes	No	
		<p>Contact employee at predetermined date and time</p> <p><input type="checkbox"/> How are the accommodations working out?</p> <p><input type="checkbox"/> Any other accommodations needed?</p> <p><input type="checkbox"/> If yes, what type of accommodation(s): _____</p>
		<p>Check in with supervisor about employee's first week back to work</p> <p><input type="checkbox"/> Date contacted: _____</p> <p><input type="checkbox"/> Comments or recommendations: _____ _____</p>

Human Resources Signature

Date

Sample Policy: Flexible and Predictable Work Schedules Policy

Sample Flexibility/Predictability for Family Caregiving Policy

Business X recognizes that the demographics of the workforce and the structures of families have undergone significant changes, including an increased number of women in the workforce; fewer households with children that have at least one parent staying at home full-time; more single-parent households; and a larger elderly population, resulting in complex demands placed on employees. Moreover, an employee's actual or perceived status as a caregiver can create workplace and pay inequities. In an effort to promote fair and equitable scheduling practices Business X protects an employee's right to request flexible or predictable work arrangements because of caregiving.

Eligibility

An employee who has been employed for at least 6 months and regularly works at least 8 hours a week has the right to request a flexible or predictable work schedule to accommodate caregiving for a minor child, a family member with a serious health condition, or a parent over the age of 65. Family members included in this policy are spouses, domestic partners, children, parents, siblings, grandchildren and grandparents, whether related by blood, legal custody, domestic partnership, or through marriage.

Frequency of Requests

An employee may make 2 requests per year for schedule changes pursuant to this policy, unless that employee has a change in circumstances (such as the birth of a new child, or increase caregiving responsibilities for an ill relative), then he or she may make an additional request.

Employer Responsibilities

- **Prohibit Discrimination:** Business X will not discriminate in any manner against an employee because of his or her actual or perceived status as a caregiver, because he or she made a request for a flexible or predictable schedule, or because he or she made a request for reconsideration under this policy.
- **Grant Request:** Business X will grant requests for flexible or predictable work schedules made pursuant to this policy unless it has a bona fide business reason that it cannot grant the request.
- **Meet with Employee:** Business X will meet with the employee who made a request for a schedule change within 21 days to discuss the request.
- **Respond in Writing:** Business X will respond to an employee's request in writing within 21 days of the date Business X met with the employee to discuss the request. If denying a request for a bona fide business reason, Business X will clearly communicate the reason as it relates to the request.
- **Reconsideration:** If an employee's request is initially denied, and that employee requests reconsideration in writing within 30 days, Business X will meet with the employee again within 21 days, and issue a new decision within 21 days of that meeting.

Employee Responsibilities

- **Communication with Supervisors:** Employees who wish to request flexible and/or predictable work schedules should make a request as soon as possible. Employees should maintain open communication with supervisors about scheduling needs, including participating in meetings to discuss a request.
- **Make a Written Request:** Employees should submit a written request for a flexible or predictable schedule that clearly outlines the schedule the employee is requesting and the reason he or she is making the request. Requests may include, but are not limited to:
 - reduction in hours
 - changes to work times
 - changes in work location (e.g., telecommuting)
 - modification to work assignments
 - a predictable work schedule
- **Request Reconsideration in Writing:** If an employee's request under this policy is denied, then he or she may make a written request for reconsideration within 30 days.



Flexible or Predictable Working Arrangement Request Form (FFWO)

Note to the Employeeⁱ

You can use this form to request a flexibleⁱⁱ or predictableⁱⁱⁱ working arrangement under the rights provided in the San Francisco Administrative Code, Chapter 12Z, the Family Friendly Workplace Ordinance (FFWO). The FFWO requires employers with 20 or more employees to consider requests from employees with caregiving responsibilities for 1) a child or children, 2) a person in a family relationship with a serious health condition, or 3) a parent age 65 or older.

You should note that it may take up to six weeks to consider a request. You should therefore ensure that you submit your request well in advance of the date you wish the requested change to take effect.

It is important that you complete all sections of this request form, providing as much information as you can about your desired working arrangement. Once you have completed the form, return to your Human Resources representative. You may ask your employer for confirmation of receipt. Your employer must meet with you within 21 days of the request. Within 21 days of the required meeting your employer must notify you in writing of their decision to grant or deny your request. You may request reconsideration of a denial within 30 days of the decision.

For more information on your rights under FFWO, please visit sfgsa.org/index.aspx?page=6305.

Request to Employer

I would like to apply for a flexible or predictable working arrangement that is different from my current working schedule arrangement to the rights provided under Section 12Z.4 of the Family Friendly Workplace Ordinance. I confirm I meet each of the eligibility criteria as follows:

- I have worked as an employee for the company for six months or more.
- I work at least eight hours per week on a regular basis.
- I have, or expect to have, the responsibility to assist with the caregiving of:
 - A child or children for whom I have parental responsibility;
 - A person or persons with whom I am in a family relationship who has a serious health condition;
or
 - A parent age 65 or older.



Flexible or Predictable Working Arrangement Request Form (FFWO)

Personal Information

Name		
Address (street and number, city, state, zip)		
Email Address	Cell Phone	Home Phone
Job Title	Supervisor	First day of work

Request Details

2a. Describe your current working arrangement (e.g. days/hours/times/location worked, job duties, notice of schedule).

2b. Describe the flexible or predictable working arrangement you would like to work in future (e.g. days/hours/times/location worked, reduction or change in duties, notice of schedule).

2c. The date I would like this work arrangement to commence: _____

The date I would like this work arrangement to end (if known): _____



Flexible or Predictable Working Arrangement Request Form (FFWO)

I declare that the information above is true to the best of my knowledge and belief.

Print Employee Name	
Employee Signature	Date

Employer's Confirmation of Receipt

Print Employer Name	
Employer Signature	Date

ⁱ Form created by the San Francisco Office of Labor Standards Enforcement (OLSE).

ⁱⁱ "Flexible Working Arrangement" means a change in an Employee's terms and conditions of employment that provides flexibility to assist an Employee with caregiving responsibilities. A Flexible Working Arrangement may include but is not limited to a modified work schedule, changes in start and/or end times for work, part-time employment, job sharing arrangements, working from home, telecommuting, reduction or change in work duties, or part-year employment.

ⁱⁱⁱ "Predictable Working Arrangement" means a change in an Employee's terms and conditions of employment that provides scheduling predictability to assist that Employee with caregiving responsibilities.



Sample Policy: Breastfeeding Policy

Breastfeeding in the Workplace

The Federal Healthcare Reform Act signed by President Obama in March 2010 requires companies of more than 50 employees to support nursing mothers who would like to express breast milk at their place of work up until the child's first birthday. California has required that employers provide time and space for lactating mothers to express milk since 2001. Creating and implementing a breastfeeding policy is neither complicated nor expensive – and can bring peace of mind and clarity to employees.

The business benefits of establishing a breastfeeding policy include increased loyalty from working mothers, increased productivity and increased employee retention, in addition to decreased absenteeism. Having a breastfeeding policy contributes to a culture of flexibility and caring, and serves as an influential and positive recruitment tool.

The American Academy of Pediatrics recommends that infants be exclusively breastfed for the first six months of their lives, and breastfed until they are at least one year old.

Employers should have a written breastfeeding policy that is distributed to all employees, in a language in which they read, along with a letter of support from the CEO or director. New employees should be provided with a copy of this policy at orientation.

The workplace breastfeeding policy should:

- State your organization's support for breastfeeding
- State that the policy will be discussed with nursing mothers prior to their departure on maternity leave
- Provide a means for a nursing mother to lodge any complaints if she feels she is being harassed or discriminated against because of her decision to pump at work
- Describe how breastfeeding employees will be allowed time to express milk while at work (you are not required to pay employees for these breaks)
- Describe how a private area will be made available for breastfeeding employees to express their milk (law states this private place cannot be a bathroom)
- Describe additional services provided beyond the minimum requirements of the law, if available (including a door with a lock, chair, refrigerator, sink, electrical outlet and any comforts such as a mirror, reading material, music or room decorations)



Sample Policy: Breastfeeding Policy

Sample Breastfeeding Policyⁱ

Recognizing that breastfeeding is a normal part of daily life for mothers and infants, that breastfeeding provides a multitude of health benefits to both infant and mother, and that California law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, Business X protects a mother's right to breastfeed in public and allows breastfeeding employees to express their milk during work hours. This policy is communicated to all current employees and included in the new employee orientation package.

Breastfeeding mothers will be informed of the following Business X breastfeeding policy prior to departure on maternity leave.

Employer Responsibilities

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

- Milk Expression Breaks:** Breastfeeding employees are permitted unpaid break time to express breast milk during work hours.
- Private Place to Express Milk:** a private room (not a restroom) is available for employees to express breast milk. The private room will have a comfortable chair, electrical outlet, window blinds, and door. The room is located near a sink with running water. Expressed milk can be stored in the general refrigerator, but must be properly labeled with name and date.
- Staff Support:** Supervisors are responsible for alerting pregnant and breastfeeding employees about the business's worksite lactation support program, and for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.
- Education and Breastfeeding Promotion:** Business X supervisors will provide information on breastfeeding, including the names of area resources should questions or problems arise.

Employee Responsibilities

- Communication with Supervisors:** Employees who wish to express breast milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and employer.
- Maintenance of Milk Expression Areas:** Breastfeeding employees are responsible for keeping milk expression areas clean, using anti-microbial wipes (which are provided). Employees are also responsible for keeping the general lactation room clean for the next user.
- Milk Storage:** Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk.
- Use of Break Times to Express Milk:** A sign-up sheet is provided by the business. Employees are asked to reserve their times by writing their names in the spaces when they wish to use the private lactation space.



Sample Policy: Breastfeeding Policy

- Complaints:** Breastfeeding employees are encouraged to speak with Human Resources if they feel as though they are being harassed or discriminated against because of their decision to pump at work.

Additional Resources

- Women, Infants and Children (WIC), www.wicworks.ca.gov
- WithinReach, www.hmhbwa.org
- Bravado Breastfeeding Information Council (BBIC), www.breastfeedinginformation.org
- U.S. Department of Health and Human Services Office on Women's Health, www.womenshealth.gov/breastfeeding

ⁱ Drafted from the sample lactation policy provided by the Bravado Breastfeeding Information Council in its "Five Simple Steps to Create and Implement a Breastfeeding Policy in the Workplace" (Aug. 2010)

Sample Policy: Family School Partnership Act & Paid Sick Days

Business X recognizes that family structures and workplace demographics have changed significantly; fewer households with children have at least one parent staying home full-time; there are more single-parent households as well as two-parent households where both parents work; both schools and children thrive when parents are involved; there is a positive correlation between parental involvement and improvements in a child's academic performance; and parents cite lack of time and conflicting work schedules as major obstacles to getting more involved. Business X protects a parent's right to participate in his or her child's child care or school activities, take time to select and enroll his or her child in child care and school, and attend to child care and school emergencies, by allowing parents to take time off to engage with their children in such activities and address such needs.

Eligibility

An employee who is a parent, guardian, stepparent, foster parent, grandparent with custody of a child, or other caregiver of a child has the right to request up to 40 hours off from work each year for the purpose of any of the following child-related activities:

- To participate in his or her child's child care or school activities, including, but not limited to, parent-teacher conferences, special activity days, field trips, and school productions;
- To find, evaluate, or enroll his or her child in child care and school; or
- To attend to his or her child during a child care or school emergency, including when the child care or school asks that the child be picked up, the child has a behavioral or discipline problem, the child care or school has closed or cannot care for the child without warning, or due to a natural disaster.

Excluding emergencies, this time off shall not exceed eight hours in any calendar month of the year. The employee may use vacation, personal leave, compensatory time off, or time without pay for the 40 hours of allowed time off under this section.

Use of Paid Sick Days

Paid sick days can be used for the purpose of either of the following:

- For the diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or the employee's child, parent, spouse, domestic partner, grandparent, grandchild, or sibling; or
- For an employee who is the victim of domestic violence, sexual assault, or stalking.

Employer Responsibilities

- **Prohibit Discrimination:** Business X will not discriminate in any manner against an employee because of his or her actual or perceived status as a caregiver, because he or she made a request for time off or use of paid sick days for the above mentioned reasons, or because he or she made a request for reconsideration under this policy.
- **Grant Request:** Business X will grant reasonable requests for time off made pursuant to this policy, unless it has a bona fide business reason that it cannot grant the request. Supervisors may ask employees to reschedule the activity, excluding emergencies.

Employee Responsibilities

- **Communicate with Supervisors:** Employees who wish to request time off should make a request as soon as possible or as soon as they are reasonably aware in the case of attending to a child's school or child care emergency. Employees should maintain open communication with supervisors about their scheduling needs.
- **Make a Written Request:** Employees should submit a written request that clearly outlines the purpose of the requested time off, as well as the specific date and time.



Sample Policy: Babies in the Workplace Policy

Babies in the Workplace

The Business X supports new mothers or fathers or guardians with infant children (hereinafter referred to as “parent” or “parents”) who want to return to work sooner than they might otherwise be able, to bring their infant to work with them until the child is six months old or begins to crawl, whichever comes first. Employees wishing to participate in this program must sign a waiver of liability (see Appendix A below) before bringing their infant to work with them. Parents wishing to bring their infant children to work with them must request approval from Business X Human Resources in advance and must adhere to the guidelines set forth in this policy. Failure to adhere to these guidelines may result in rescission of the privilege to bring the infant to work.

Employee’s Responsibilities

- The infant must remain under the direct care and supervision of the parent and must remain in the parent’s work area at all times. The parent will be solely responsible for maintaining his/her work area in a safe and sanitary condition at all times. The parent will be responsible for ensuring that the infant's requirements and presence at the workplace do not disrupt or interfere with his/her work schedules or responsibilities or those of co-workers.
- The parent must be open to accepting an alternate, temporary or floating workspace during the utilization of this policy in order to accommodate parent, infant, and co-workers’ needs and to minimize disruption of the work environment.
- The parent will accept complete responsibility for the safety of the infant.
- To avoid spreading illness in the office, employees participating in this program shall not bring sick children into work. If an infant becomes sick during the day, the parent must take the infant home.
- "Babysitting" by other staff members is not allowed. A parent participating in this program may not leave the building (not even for a short time) without taking the infant with them.
- The parent must provide all supplies and equipment needed to care for the infant at the worksite and ensure that the area is kept in a clean and sanitary condition.
- Diapers must be changed only in a designated restroom or in quiet room location and not in work areas. When an infant accompanies a parent to work, used cloth diapers must be stored in a closed container and taken home daily. Used disposable diapers must be wrapped appropriately and discarded in an appropriate container provided by the parent and placed in an area not used by staff for office or meeting space.
- All supplies utilized by the parent must be maintained in a manner that is not disruptive to the work of other employees.



Sample Policy: Babies in the Workplace Policy

- Mothers who are breast-feeding or expressing breast milk will be provided with a private location for these activities.
- There may be work circumstances that require a parent's full attention such that it may be necessary for parents to make other arrangements for child care during the utilization of this policy. Parents are expected to work closely with their supervisor and coworkers to ensure that all parties involved are aware of what duties can and cannot be reassigned and parents are expected to make alternate child care arrangements when required to do so.
- If a baby is fussy for a prolonged period of time, causing a distraction in the workplace, or preventing the parent from accomplishing required work, the parent shall remove the infant from the workplace.
- In order for a Babies in the Workplace program to be most effective, all parties need to be sensitive to the needs of others. The employee must maintain acceptable work performance and ensure that the presence of the infant does not create any office disturbances.
- If problems arise that cannot be resolved, the employee understands that the program may be terminated for that employee.

Other considerations:

- Co-workers who believe their work is disrupted by the presence of an infant should raise the matter with Human Resources. Business X management will decide, in its discretion, how to resolve issues or disputes arising under this policy, including the need to modify work schedules or to end the participation of any staff member in this program.
- A parent's participation in this program does not preclude her or his use of Business X telecommuting or flexible work schedule policies as described in the Business X Employment Handbook.
- This Babies in the Workplace program is a voluntary option for employees, subject to approval as outlined in this policy, where it is compatible with job requirements.
- Participation in the Babies in the Workplace program is a privilege and not a right. The Business X expressly reserves the right to refuse participation in the program if the requesting parent's position is deemed unsafe or unsuitable for the presence of a baby due to business reasons.
- The Business X expressly reserves the right to change or revise this policy, which will be reviewed annually. Any changes will be conveyed to affected employees as soon as possible after any change or revision.
- The Business X reserves the right to terminate this policy due to operating or other business reasons. In this event, affected employees will be given reasonable notice.



Sample Policy: Babies in the Workplace Policy

Business X
Babies in the Workplace Policy

Appendix A
PARENT AGREEMENT, CONSENT & WAIVER

AGREEMENT

By signing this Agreement, I certify that I have read the Babies in the Workplace program guidelines. I understand and agree to comply with the terms and conditions set forth in the Policy guidelines. I further understand and agree that, in the event I fail to comply with such terms and conditions or otherwise fail to meet any Policy criteria currently in the policy or that may be added to the policy and conveyed to me in writing, my eligibility to participate may be terminated, requiring me to remove my baby from the workplace within a reasonable period of time.

I acknowledge that the Business X reserves the right to rescind the Babies in the Workplace Program in part or in its entirety at any time, thus requiring me to remove my baby from the workplace within a reasonable period of time. In this event, I understand that the Business X will accommodate a reasonable period of time for me to identify a different care setting for my infant.

Signature of Parent

Date

CONSENT AND WAIVER

In consideration of Business X's permitting me to bring my child to work with me in compliance with the Babies in the Workplace policy, I hereby release, on my own behalf and on behalf of my child: (i) the Business X; (ii) any entity affiliated with Business X; and (iii) any of the current or former officers, directors, agents, representatives, insurers, attorneys, successors, assigns, and current employees of Business X and the foregoing entities from any and all claims, liabilities, causes of action and demands of any kind or character, including negligence, whether vicarious, derivative or direct, that I or any of my child's family members, heirs, or assigns now have or may hereafter have or assert against Business X growing out of, resulting from, or connected with this policy and/or with me bringing my child to work or his/her presence at work with me. This waiver does not preclude legal remedies for injury due to malice or egregious negligence.

Signature of Parent

Date



**SELF-ASSESSMENT for EXCELLENCE as a HEALTHY MOTHERS WORKPLACE:
Criteria for 2016 San Francisco Healthy Mothers Workplace Awards**



Community leaders have identified the policies below as integral for the health and equity of women in the workplace. If your workplace meets the criterion, check the ; a workplace must meet the criteria in all three categories in that column to receive the award. ***Our workplace has policies providing:***

	Bronze*	Silver	Gold
Pregnancy and Parenting Leave and Accommodations	<ul style="list-style-type: none"> <input type="radio"/> Reasonable accommodations for pregnancy, such as allowing pregnant workers to sit on a stool or transferring to a less hazardous position, if available.¹ <input type="radio"/> Up to 4 months of job-protected unpaid leave, with continued benefits, to employees who are disabled by a pregnancy or childbirth-related condition.¹ <p>For employers with 50 or more employees:</p> <ul style="list-style-type: none"> <input type="radio"/> 12 weeks of job-protected unpaid leave, with continued benefits, for parents to bond with a new child.² 	<ul style="list-style-type: none"> <input type="radio"/> All Bronze level criteria AND 2 of the following: <input type="radio"/> 6 or more weeks of additional unpaid leave, beyond what is legally required, with continued benefits, for parents to bond with a new child. (# of weeks provided: _____) <input type="radio"/> Employer-provided pay** during pregnancy disability leave, for up to 2 weeks. (# of weeks provided: _____) <input type="radio"/> Employer-provided pay** during bonding leave, for up to 2 weeks. (# of weeks provided: _____) 	<ul style="list-style-type: none"> <input type="radio"/> All Bronze and Silver level criteria AND: <input type="radio"/> 12 or more weeks of additional unpaid leave, beyond what is legally required, with continued benefits, for parents to bond with a new child. (# of weeks provided: _____) <input type="radio"/> Employer-provided pay** during pregnancy disability leave, for more than 2 weeks. (# of weeks provided: _____) <input type="radio"/> Employer-provided pay** during bonding leave, for more than 2 weeks. (# of weeks provided: _____)
Lactation Accommodations	<ul style="list-style-type: none"> <input type="radio"/> Reasonable unpaid break time for lactating employees to pump milk.³ <input type="radio"/> A private, non-bathroom space near the employee's workspace where she can pump milk.⁴ <input type="radio"/> Allowing mothers to directly breastfeed infant at work (for example, if infant is brought to workplace by a partner).⁵ 	<ul style="list-style-type: none"> <input type="radio"/> All Bronze level criteria AND all of the following: <input type="radio"/> Reasonable <u>paid</u> break time for lactating employees to pump milk. <input type="radio"/> A lactation policy that is translated if necessary, posted and distributed to employees. <input type="radio"/> A lactation space with a locking door. <input type="radio"/> Employer-provided storage options for breast milk. 	<ul style="list-style-type: none"> <input type="radio"/> All Bronze and Silver level criteria AND: <input type="radio"/> A sink in proximity to the lactation space. <input type="radio"/> Comfortable seating and a table or countertop. <input type="radio"/> Additional comforts in the lactation space, including at least 3 of the following: cleaning wipes, employer-provided breast pump, footstool, music or photographs.
Work-Family Balance	<ul style="list-style-type: none"> <input type="radio"/> Employees accrue paid sick days and may use them to care for ill family members.⁶ <input type="radio"/> Employees may take up to 40 hours of unpaid time off per year to: participate in their child's school or childcare facility's activities, enroll their child in school or childcare; and/or address a school or childcare emergency.⁷ <input type="radio"/> Employees with caregiving responsibilities may request and be granted flexible or predictable schedules, subject to bona fide business needs.⁸ 	<ul style="list-style-type: none"> <input type="radio"/> All Bronze level criteria AND: <input type="radio"/> Workplace flexibility/predictability (not subject to bona fide business reason) including at least 1 of the following: intermittent use of bonding leave, flex-time or place, part-time, telecommute program, job sharing, compressed workweek, phased-in workforce exit or re-entry or sabbaticals, predictable schedules with advanced notice/regular hours. 	<ul style="list-style-type: none"> <input type="radio"/> All Bronze and Silver level criteria AND any of the following: <input type="radio"/> "Babies-at-Work" policy for infants up to 6 months. <input type="radio"/> Employer-provided childcare program or subsidy. <input type="radio"/> Other exceptional or innovative program to promote bonding or caregiving. Please explain: _____

¹ Cal. Gov't Code § 12945.
² Cal. Gov't Code § 12945.2.
³ Cal. Lab. Code § 1030.
⁴ Cal. Lab. Code § 1031.

⁵ *DFEH v. Acosta Tacos*, 2009 WL 2595487, (Cal. F.E.H.C., 2009).
⁶ Cal. Lab. Code § 246.5(a)(1); S.F. Admin. Code § 12W.4.
⁷ Cal. Lab. Code § 230.8(a).
⁸ S.F. Admin. Code § 12Z.4(a), 12Z.5(c).

*Bronze level generally corresponds to current legal requirements in San Francisco, California.
 **Excluding an employee's earned sick and vacation pay.



SELF-ASSESSMENT for WORKPLACE LACTATION ACCOMMODATIONS & LEAVE POLICIES:
Criteria for 2016 San Francisco County Healthy Mothers Workplace Awards



Workplace Name: _____ **Date:** _____

Staff person conducting this self-assessment:

Name: _____ Position: _____

Phone: _____ E-mail: _____

Address of worksite: _____

Please provide the following information about your worksite:

Approximately how many employees are there at your worksite? _____

Is your worksite primarily **office** or **non-office** based? _____

Which one of the following options best describes your industry?

- | | |
|---|--|
| <input type="checkbox"/> Education | <input type="checkbox"/> Accommodation and food services |
| <input type="checkbox"/> Healthcare | <input type="checkbox"/> Information |
| <input type="checkbox"/> Construction, agriculture or nonpublic administration services | <input type="checkbox"/> Finance and insurance |
| <input type="checkbox"/> Public administration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Legal Services | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Retail | <input type="checkbox"/> Nonprofit |
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Other: _____ |

(Optional) Nominate staff most instrumental to improving lactation accommodations & parental leave policies:

Names: _____



Additional Resources

[Human Resources and Legal Resources](#)

[Breastfeeding Resources](#)

I. Human Resources and Legal Resources

California Family Leave Laws: Know Your Rights!

Coproduced by the California Work & Family Coalition and Legal Aid Society-Employment Law Center, this is a guide for workers, parents and caregivers that provides the basics of California's family leave laws.

<http://www.las-elc.org/sites/default/files/media/LPWF-Know-Your-Rights.pdf>

Taking Leave from Work: Pregnancy/Prenatal Care/Bonding with a New Child

Legal Aid Society-Employment Law Center

<http://www.las-elc.org/taking-leave-from-work-pregnancy-prenatal-care-bonding-with-new-child>

Breastfeeding and Healthy Living: California Laws

California Department of Public Health

<http://www.cdph.ca.gov/healthinfo/healthyliving/childfamily/Pages/CaliforniaLawsRelatedtoBreastfeeding.aspx>

Pregnant Women and the Affordable Care Act

U.S. Department of Health and Human Services' Office on Women's Health

<http://www.healthcare.gov/law/information-for-you/preg-wm-aff-care-act.pdf>

Rights for Breastfeeding Mothers: Lactation Accommodation and Discrimination

Legal Aid Society-Employment Law Center

<http://www.las-elc.org/rights-for-breastfeeding-mothers-lactation-accommodation-and-discrimination>

Federal & California Maternity/Paternity Leave

Santa Clara County of Public Health

<http://www.sccgov.org/sites/sccphd/en-us/Newsandevents/Documents/Breastfeeding/California%20Breastfeeding%20Laws%20Brochure.pdf>



Additional Resources

II. Breastfeeding Resources

San Francisco Breastfeeding Promotion Coalition

<http://sfbreastfeeding.org/>

Breastfeeding Resources in San Francisco

UCSF National Center of Excellence in Women's Health

http://www.whrc.ucsf.edu/whrc/lactservices/lactation_resources.html

Increasing Breastfeeding in the Low-Wage Worksite

California WIC Association

http://www.calwic.org/storage/documents/wellness/bf_worksite.pdf

The Business Case for Breastfeeding

U.S. Department of Health and Human Resources, Health Resources and Services Administration

<http://www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding/easy-steps-to-supporting-breastfeeding-employees.pdf>

Breastfeeding Support at the Workplace: Best Practices to Promote Health and Productivity

Washington Business Group on Health

http://flbreastfeeding.com/HTMLobj-969/wbgh_breastfeeding_brief.pdf

Surgeon General's Call to Action to Support Breastfeeding

U.S. Department of Health and Human Services, Office of the Surgeon General

<http://www.surgeongeneral.gov/library/calls/breastfeeding/calltoactiontosupportbreastfeeding.pdf>

Breastfeeding

U.S. Department of Health and Human Services, Office on Women's Health

<http://www.womenshealth.gov/breastfeeding/>

Your Guide to Breastfeeding available in English, Chinese and Spanish

U.S. Department of Health and Human Services, Office on Women's Health

<http://www.womenshealth.gov/publications/our-publications/breastfeeding-guide/index.html>

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Healthy Mothers Workplace Coalition (LinkedIn)

Developed by the Healthy Mothers Workplace Coalition

