

		Policy #881
Subject: Lactation Accommodation		
Responsible Department: Personnel Services		
Effective Date: 01/01/2020		Revision Date: 01/01/2020
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Purpose

The purpose of this Policy is to establish guidelines for promoting and maintaining a comfortable work environment for employees who desire to express breast milk in the workplace.

Authority

California Labor Code §§ 1030 through 1034 – Lactation Accommodation

Scope

This policy applies to all County employees who desire to express breast milk for their child while at work.

Policy

The County supports the legal right and necessity of employees who choose to express milk in the workplace. Employees have the right to request a lactation accommodation.

Each County Department shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk.

- Employees are entitled to use regular paid breaks, meal periods and unpaid break time to express milk.
- Departments may provide a flexible work schedule, so employees can make-up unpaid break time if requested or use certain accrued leave balances to receive compensation for any additional unpaid break time needed.
- After a child's first year, Departments should continue to provide reasonable breaks for lactation, if feasible, given the operational demands of the Department.

Each County Department shall provide an employee with the use of a room or other location for the employee to express milk in private ("lactation space").

Lactation Space

The lactation space shall not be a bathroom. The lactation space shall be in close proximity to the employee's work area, shielded from view and free from intrusion (including from co-workers and the public) while the employee is expressing milk. The lactation space shall:

- Be safe, clean, and free of toxic or hazardous materials;
- Contain a place to sit;
- Contain a surface to place a breast pump and personal items; and
- Have access to electricity or alternative device suitable to operate a breast pump

In addition to the above, there must be access to a sink with running water and a refrigerator or other cooling device suitable for storing milk in close proximity to the employee's workspace.

The lactation space may include the place where the employee normally works or a multipurpose room if it otherwise meets the requirements of the lactation space listed above. Use of a multipurpose room for lactation takes priority over other uses.

Departments are responsible for creating a system for scheduling use of the lactation space by multiple employees. The system should ensure all employees who need to use the space for lactation can use it during approved breaks.

Employee Requests for Lactation Accommodation

Employees who wish to exercise the right to a lactation accommodation must complete and submit the "Lactation Accommodation Request" form, indicating:

- Estimated start date (month, day, year) of the accommodation;
- Intent to use breaks that are already provided;
- If any additional time beyond the standard break(s) and/or meal break is needed to express milk;
- Need of a flexible work schedule for additional time beyond the standard breaks and/or meal time normally provided; and
- Requesting use of accrued and available leave balances during any period of unpaid breaks.

Completed forms should be submitted to the employee's immediate supervisor or manager with as much advance notice as possible before the start of the accommodation in order to provide any items or equipment needed to make the lactation space compliant with the requirements set forth above.

County Departments shall respond in writing to an employee's request for lactation accommodation within five (5) business days.

Retaliation Related to Breastfeeding or Expressing Milk is Prohibited

Retaliation against employees for exercising their rights granted by this Policy or any related statute is prohibited. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.

Right to File a Complaint

Employees who believe their rights under this Policy or any related statute have been violated have the right to file a complaint with the Department of Personnel Services, EEO Division. Complaints may also be filed with the CA Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC).

Distribution of Policy

A copy of this Policy shall be disseminated to every newly hired employee and to any employee who inquires about or requests pregnancy or parental leave.

This Policy shall also be included in the County's Employee Handbook.

Employer Records:

County Departments will maintain a record of the written requests for lactation accommodation, as well as a description of how the Department resolved the request. If a Department denies a request for lactation accommodation, it must also save the written denial. All of the foregoing records must be maintained for at least three (3) years from the date of request.

Review

To be reviewed every five (5) years or in accordance with changes in law.