



J. **Lactation Policy** – Reviewed/Revised January 2020

County employees who are nursing have the right to request time and space to express breast milk during work hours. All County departments must provide a reasonable amount of break time and make reasonable efforts to provide the use of appropriate space for employees who desire to express milk for their infant child during work hours.

**Guidelines**

Under California Labor Code 1030 - 1034, departments will accommodate requests from employees' who need to express breast milk during the workday. This effort will include providing a location other than a bathroom, in close proximity to the employee's work area, and with access to features which are identified below.

1. To Whom the Policy Applies

- a. This policy covers full-time, part-time, and temporary employees needing to express breast milk during the workday.

2. Breaks

- a. A reasonable amount of break time must be provided to accommodate an employee desiring to express breast milk in private.
- b. The lactation breaks can run concurrently with the employee's existing break periods.
- c. If it is not possible for the lactation break to run concurrently with the employee's existing break, or if the employee's break is not sufficient time, a separate and unpaid break time must be made available for the employee.
- d. Employees may use earned accrued time to cover the unpaid break time.

3. Space & Facilities

- a. A "lactation room" as defined by this policy, means a sanitary place in close proximity to the employee's work area, other than a restroom, that can be used to express milk shielded from view and free from intrusion and includes at a minimum:
  - i. An electrical outlet or alternative charging device;
  - ii. A place to sit;
  - iii. A surface on which to place a breast pump and personal items;

- iv. Nearby access to a sink with running water; and
    - v. A refrigerator or other cooling device in close proximity to the employees work area suitable for storing milk.
  - b. To ensure privacy, the room should have a door equipped with a functional lock. If a door with a functional lock is not available, a sign shall be posted advising that the room is in use and not accessible to other employees or the public.
  - c. If a designated lactation room is not possible due to space constraints, another room (such as a vacant office or conference room) may be used as a temporary lactation room if up to the standards set forth in this policy.
  - d. If a multipurpose room is used as a lactation room, such use shall take precedence over other uses but only for the time it is in use for lactation purposes.
  - e. For non-traditional worksites the employee shall work with Human Resources, the Manager, and Supervisor to identify reasonable accommodations for the employee.
- 4. Notification
  - a. Employees will be provided a copy of this policy upon hire and again when an employee inquires about or requests parental leave (e.g. Pregnancy Disability Leave, Paid Family Care Leave)
  - b. It is an employee's right to request a lactation accommodation.
    - i. It is the employee's responsibility to inquire about the process of requesting a lactation accommodation from the employee's supervisor or manager or department human resources representative. Each department may develop the specific process for requesting leave.
  - c. When a department receives a lactation accommodation request they shall review the designated lactation space and/or other appropriate space within their department and prepare to provide the space and necessary break time.
  - d. If a department is unable to locate an appropriate space to meet the employee's request, they are to contact CEO HR for assistance.
  - e. The department is obligated to respond to the employee's request within a reasonable timeframe. If the department cannot provide break time or a suitable location, after consultation with CEO HR, the department shall notify the employee in writing.

#### 5. Atmosphere of Tolerance

It is unlawful to discriminate in any way against an employee who chooses to express milk in the workplace. Supervisors and coworkers are reminded to respect and be

sensitive to an employee's choice to nurse her child. Per California law, an employee can opt to continue to express breast milk until they determine it is no longer needed for their infant child, within reason.

6. Failure to Comply

No department or employee of the department shall discriminate or retaliate against an employee for requesting lactation accommodation. An employee may report failure to comply, or harassment or discrimination to the Labor Commissioner (Stockton Office (209) 948-7771 or [LaborComm.WCA.STK@dir.ca.gov](mailto:LaborComm.WCA.STK@dir.ca.gov)).