

**County Policy**

Subject:	Employee Lactation Accommodation Policy
Authority:	Board of Supervisors
Policy Owner:	CEO-Human Resource Services: Signature _____
Approval Date:	12/17/2019
Revision Date(s)	N/A
Version No.:	1.0

A. Policy

The County of Orange recognizes that breast milk is the optimal food for growth and development of infants. In order to promote a work environment that supports breastfeeding, the County is dedicated to providing a reasonable amount of break time and a private space for employees who wish to express breast milk at work. Lactation accommodation will be provided to employees for as long as they desire to express breast milk at work.

B. Purpose

To ensure that a nursing County employee's lactation accommodation needs are being met in accordance with California law and in connection with the County's non-discrimination policy.

C. Authority

This policy is enacted pursuant to Labor Code Sections 1030-1034 as amended and added by California Assembly Bill No. 1976, Chapter 940, and Senate Bill No. 142, Chapter 720, relating to employment.

D. Scope

This policy is applicable to all County departments and their employees.

E. Responsibilities

Human Resource Services (HRS) is responsible for maintaining this policy, ensuring it is kept up to date and communicating with employees. HRS is to be contacted regarding any information contained in this policy.

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Term	Definition
Lactation	The secretion of milk by the mammary glands.
Multi-Purpose Room	A room designated as having more than one use or purpose.

G. Procedure**1. Breaks:**

Departments shall provide a reasonable amount of break time to accommodate an employee to express breast milk as follows:

- a. Whenever possible, the break time shall run concurrently with any break time already provided to the employee.
- b. Any additional break time needed to express breast milk shall be unpaid, and the employee's temporarily adjusted schedule should not impact and/or extend their work hours.
- c. An employee shall not be required to make-up any lost time due to time spent expressing breast milk.
- d. If additional time is needed beyond regularly scheduled breaks, and to account for the unpaid time, the employee can either post earned accrued time, or at the supervisor's discretion, the employee can make-up the time.
- e. Employees are encouraged to work collaboratively with their supervisor and Human Resource Services to adjust break/lunch schedules, as needed, to express breast milk.

2. Space:

Departments shall make reasonable efforts to provide an employee with the use of a room, other than a bathroom, in close proximity to the employee's work area, for the employee to express milk in private. The room may include the place where the employee normally works if it otherwise meets the requirements of Labor Code section 1031.

A lactation room or location identified by departments to be used for the purpose of expressing milk shall meet requirements of state law and other considerations as described below:

- a. Shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
- b. Be safe, clean and free of hazardous materials.
- c. Contain a surface to place a breast pump and personal items.
- d. Contain a place to sit.

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- e. 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 pump.
- f. Have access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace.
- g. Be private and with a door that can be locked from the inside, if possible.
- h. Appropriate signage must be posted on the outside of the door indicating the room is in use.
- i. If a department is unsure whether the designated space is appropriate, they should consult with Human Resources for guidance.
- j. Where a multipurpose room is the only identified room available for lactation, the use of the room for lactation shall take precedence over other uses, but only for the time it is in use for lactation purposes.

3. Access to Lactation Facilities:

An employee has a right to request a lactation accommodation in the workplace. Below are the procedures for a room request:

- a. A list of lactation rooms available at County facilities is available on the HRS Portal Intranet website, within the Resources category. Employees have access to all rooms and may request reservations at other locations due to work assignment. To view the Lactation Room Listing please click on the link below:
<https://www.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=106412>
- b. Reasonable accommodation and adequate time for pumping or expressing milk will be agreed upon by the supervisor and employee.
- c. The employee will work with Human Resources to coordinate a lactation room.
- d. If a Department cannot provide break time or a location room that complies with this policy, written notice shall be provided to the employee. However, prior to doing so, supervisors shall engage in a good faith interactive process with the employee to identify reasonable accommodations.

4. Notification and Education:

- a. A copy of this policy will be disseminated to every incoming employee and made available to all current employees.
- b. A copy of this policy will be provided to employees prior to or upon return from their maternity leave and upon request.
- c. A copy of this policy may be found on the County Intranet.

H. Discrimination and Harassment Related to Breastfeeding or Expressing Milk is Prohibited

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Any incident of discrimination or harassment of a lactating employee will be addressed in accordance with the County of Orange policies and procedures for discrimination and harassment and in accordance with state law. Employees are encouraged to reach out to the Human Resources Department or the County's EEO Office for questions or concerns regarding an accommodation request. An employee has a right to file a complaint with the State of California Labor Commissioner's Office for any violation of law governing lactation accommodation in the workplace

I. References

#	Title/URL
1	California AB 1976: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1976
2	Fair Labor Standards Act: https://www.dol.gov/whd/regs/compliance/hrg.htm#nursingMothers
3	California Fair Employment and Housing Act (FEHA): https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB2386de
4	California Labor Code, Chapter 3.8., 1030-1033, Lactation Accommodation: https://law.justia.com/codes/california/2005/lab/1030-1033.html
	Senate Bill 142 – Employees Lactation Accommodation http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB142
5	State of California Labor Commissioner's Office – Report a Labor Law Violation https://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm