

MENDOCINO COUNTY POLICY # 56	LACTATION ACCOMMODATION
ADOPTED: June 10, 2020	ADOPTED BY: Minute Order

Purpose

This Policy is to advise employees about their right to a lactation accommodation (also referred to as lactation break) during the workday. This policy also outlines the process by which the employee may request a lactation accommodation, and the County’s obligation to respond to such a request.

Requesting a Lactation Accommodation

An employee desiring to express breast milk for the employee’s infant child may request a lactation accommodation to do so. Such requests may be submitted either orally or in writing to the employee’s supervisor or the County Human Resources Department.

The County will respond to a request for a lactation accommodation by providing the employee with lactation breaks and location(s) described below. If the County is unable to provide break time or a location for the purposes of expressing breast milk under this Policy, it will provide the requesting employee with a written response regarding its inability to do so.

Lactation Break Time

The County will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child each time the employee has need to express milk. If the employee is provided with paid break time, the employee’s lactation break time shall, if possible, run concurrently with the paid break time already provided to the employee. An approved lactation break shall be duty-free and without interruption except in an emergency or due to critical circumstances.

Those desiring to take a lactation break at times other than their paid break times must notify their supervisor prior to taking such a break.

If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid or the employee may choose to use their accrued leave.

Lactation Break Location

The County will provide a room or other appropriate location in close proximity to the employee’s worksite that is not a bathroom to express milk in private. The room or location will meet the following requirements:

- Be shielded from view and free from intrusion while being used to express milk;
- Be safe, clean, and free of hazardous materials;
- Contain a surface on which to place a breast pump and personal items;
- Contain a place to sit; and
- Have access to electricity needed to operate an electric powered breast pump.

The employee using a lactation break location shall either secure the door to the room or otherwise make it clear to others through provided signage that the area is occupied and should not be disturbed. Other employees may not interrupt an employee during an authorized lactation break, except to announce an emergency or other urgent circumstance.

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Sink and Refrigerator Access

The County will provide access to a sink with running water and a refrigerator suitable for storing expressed milk, in close proximity to the employee’s work area.

If there is no refrigerator in close proximity to the employee’s workspace, the County will provide another suitable cooling device upon request, such as a cooler.

An employee storing expressed milk shall clearly label it as such. No expressed milk shall be stored at the County beyond the employee’s work day/shift.

Remedies in Relation to this Policy

An employee who does not believe that the County is providing an appropriate lactation accommodation should immediately inform the County Human Resources Department. Employees also have the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner for violation of the California Labor Code’s lactation accommodation requirements.

No Retaliation

Employees shall not be subject to retaliation for exercising any right under this Policy. Retaliation against an employee because they requested an accommodation under this policy or because the employee filed a complaint under this Policy is prohibited.

Distribution

All employees will receive a copy of this Policy at time of hire. Employees will be required to sign a form confirming that they received a copy of the Policy.