

## **COUNTY OF MADERA LACTATION ACCOMMODATION POLICY**

### **I. PURPOSE**

The purpose of this policy is to comply with the federal and state laws which require the County of Madera ("County") to provide reasonable breaks and appropriate facilities to accommodate employees who choose to express breastmilk at work. The County recognizes that there are many health benefits associated with lactation and is committed to maintaining a supportive workplace that supports employees' choice to express breastmilk for their nursing child.

### **II. FACILITIES FOR BREASTFEEDING**

Employees who choose to express breastmilk at work will be provided with the use of appropriate facilities in accordance with the law for their use in breastfeeding in private. At a minimum, the facilities provided must be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk. Additionally, the facilities provided must satisfy all of the following requirements:

1. The facilities may not be a bathroom.
2. The facilities must be safe, clean, and free from hazardous materials.
3. The facilities must contain a surface to place a breast pump and personal items.
4. The facilities must contain a place to sit.
5. The facilities must have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump, including but not limited to, extension cords or charging stations.

Employees who express breastmilk at work shall also be provided access to a sink with running water and a refrigerator or another cooling device suitable for storing milk provided by the County (e.g., cooler) in close proximity to their workspace. If shared space or multi-purpose facilities are used for breastmilk expression, the facilities must be made available for breastmilk expression when needed and must comply with the requirements set forth in this Policy.

### **III. BREAKS FOR BREASTFEEDING**

In accordance with the law, an employee shall be provided with a reasonable amount of break time to express breastmilk each time the employee has the need to express breastmilk.

Break time shall, if possible, run concurrently with any paid break time that is already provided to the employee.

The County recognizes that there may be circumstances in which an employee may need additional time to express breastmilk, or may need to express breastmilk at times other than during regularly scheduled breaks. In such circumstances and with the supervisor's prior approval, the employee may use accrued leave balances. In the event there are no accrued leave balances available, additional break time for breastmilk expression that does not run concurrently with the break time already provided to the employee shall be unpaid.

#### **IV. EMPLOYEES' RIGHT TO REQUEST ACCOMMODATION FOR BREASTFEEDING**

Employees have the right to request accommodation for lactation and the right to express breastmilk in the workplace. The County prohibits discrimination, harassment, or retaliation against any employee who exercises these rights. An employee engaging in such misconduct may be subject to disciplinary action, up to and including termination of employment.

Any complaint of discrimination, harassment, or retaliation based on an employee's rights under this Policy shall be addressed in accordance with the County's Policy and Guidelines on Discrimination and Harassment.

#### **V. PROCEDURES FOR REQUESTING ACCOMMODATION FOR BREASTFEEDING**

An employee may request a reasonable accommodation for lactation (e.g., break time in accordance with Section III and/or use of facilities in accordance with Section II of this Policy) by informing her supervisor of the request.

The supervisor shall review and respond to the employee's request for reasonable accommodation as soon as reasonably possible. Such a response shall approve, deny, or request clarification from the employee regarding the accommodation requested. However, if the Department cannot provide a break time or facilities that comply with the requirements of this Policy, the supervisor shall provide a written response to the employee.

Before providing any response to an employee which denies a request for accommodation under this Policy, the Department shall advise the Department of Human Resources.

The Department reserves the right to deny requests for break time if its operations would be seriously disrupted by providing the requested break time. Employees have the right to file a complaint with the Labor Commissioner for a violation of a right under Chapter 3.8 of the California Labor Code.

## **VI. EMPLOYEES' RESPONSIBILITIES**

Employees are also responsible for reviewing this Policy, timely notifying their supervisors of the need for accommodation, and for complying with all procedures set forth in this Policy.

Employees are required to securely store all lactation equipment (e.g., breast pumps, storage containers) at their personal work stations or at another location designated by the Department for storing breastfeeding equipment. The County is not responsible for any lost or stolen lactation equipment. Breastmilk should be clearly labeled, and removed by close of business each day.

Employees are responsible for keeping facilities used for lactation clean and for complying with any applicable security or other Departmental guidelines in using facilities.

## **VII. DEPARTMENTS' RESPONSIBILITIES**

In accordance with the law, Departments are responsible for distributing a copy of this Policy to all current employees, to new employees upon hire, and any time an employee inquires about or requests parental leave.

Departments shall retain documentation for a minimum period of four years showing the date this Policy was distributed and the employee(s) to whom it was distributed or as otherwise required under law and the County's retention policies and procedures. A copy of this Policy shall be posted on the County's website available to all employees as required by law.

Departments are responsible for ensuring that all management employees (e.g., supervisors, managers, Deputy Directors etc.) are familiar with this Policy. It is the responsibility of each Department to ensure that it provides employees who breastfeed with reasonable accommodations (including reasonable break times and the use of facilities) as required by law. Departments are encouraged to contact Human Resources should they have any questions regarding this Policy.