



# COUNTY OF EL DORADO, CALIFORNIA

## BOARD OF SUPERVISORS POLICY

Subject:  Lactation Accommodation and Break Policy	Policy Number:  E-10	Page Number:  1 of 2
	Originally Adopted: 02/11/2020	Last Revised Date: 02/11/2020

### I. PURPOSE

The purpose of this policy is to ensure compliance with Labor Code section 1034, which requires that the County of El Dorado (County) develop a policy regarding lactation accommodation.

### II. POLICY

- A. The County will provide a reasonable amount of break time to accommodate any employee needing to express breast milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. 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 accrued leave. Non-exempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled break times.
  - a. Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations.
- B. The County will provide a room or other appropriate location in close proximity to the employee's work area (that is not in a bathroom) to express milk in private, and which is shielded from view and free from intrusion while being used for expressing milk. The room or location will meet the following requirements:
  - a. Be safe, clean, and free of hazardous materials;
  - b. Contain a surface on which to place a breast pump and personal items;
  - c. Contain a place to sit; and
  - d. Have access to electricity needed to operate an electric-powered breast pump.
- C. The County will provide 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 work area.
- D. An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees shall not interrupt an employee during an authorized break under this policy, except to announce an emergency or other exigent circumstance.
- E. If the County cannot provide a permanent lactation location because of operational, financial, or space limitations, the temporary lactation location shall 1) be private and free from intrusion while an employee expresses milk; and 2) must meet all other requirements of state law concerning lactation accommodation. (Labor Code § 1031.)

### III. PROCEDURE

- A. An employee shall request an accommodation for lactation breaks by submitting a written lactation accommodation request to their department supervisor. After discussion with the employee as to



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specifics of the accommodation request, the department supervisor shall provide a timely written response to the employee.

- a. If the request is denied, a written response outlining the reasons must be provided to the employee. Requests shall only be denied for reasons permitted by law; except as permitted by law, the request shall be approved. The response, along with a copy of the request, shall also be sent to the Department of Human Resources for review and recordkeeping purposes.
- B. Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. The County reserves the right to reasonably delay an employee’s lactation break time should it seriously disrupt operations. Once a lactation break has begun, the break shall not be interrupted except for emergency or exigent circumstances.
- C. An employee who does not believe that the County is providing an appropriate lactation accommodation should immediately inform the Department of Human Resources. In addition, employees have the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner if they believe that they have been denied reasonable break times or adequate space to express milk, or that they have been discharged or in any other manner discriminated or retaliated against for exercising or attempting to exercise their right to lactation accommodation.

#### IV. REFERENCES

- Labor Code § 1031.
- 29 USC § 207(r); Labor Code §§ 1030
- Gov. Code § 12926(r)(1)(C)

#### V. RESPONSIBLE DEPARTMENT(S)

Department of Human Resources

#### VI. DATES (ADOPTED, REVISED, NEXT REVIEW)

<b>Originally Adopted:</b>	02/11/2020		
<b>Last Revision:</b>	02/11/2020	<b>Next Review:</b>	XX/XX/XXXX