



## **Lactation Accommodation Policy**

### **PURPOSE**

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The County of San Luis Obispo is a Family Friendly Workplace and recognizes the benefits of providing breast milk for both the parent and the child. This policy is to establish guidelines for a supportive work environment which accommodates lactating employees and prohibits discrimination, harassment, and retaliation of its employees who desire to express milk.

### **APPLICABILITY**

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This policy applies to all County of San Luis Obispo employees including full or part-time, temporary workers, contract workers, interns, and volunteers. For the purposes of this policy, "employee" refers to full or part-time, temporary help, contract, interns and volunteers and appointed officials.

### **COUNTY RESPONSIBILITIES**

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#### **NOTIFICATION OF COUNTY POLICY**

This policy will be provided to employees upon hire as well as upon an inquiry or request for parental leave.

#### **LACTATION ACCOMODATION REQUEST PROCEDURE**

Employees have a right to request lactation accommodation. An employee desiring lactation accommodation shall inform their supervisor before returning to work or as soon as the need arises. A 14-day advance notice of the lactation accommodation request is preferred when practical. Lactating employees are encouraged to discuss the expected frequency and timing of breaks with their supervisor.

The supervisor or manager shall respond to an employee's request for accommodation and identify an appropriate space for lactation in accordance with the space guidelines described below.

If the department cannot provide a location or break time that complies with the requirements in the policy, it will provide a written response to the employee and contact Facilities Maintenance and Human Resources for advice and assistance.



Employees are responsible for providing all equipment needed to safely and sanitarily pump, store, label and handle expressed milk.

## **BREAKS**

Employees may take a reasonable amount of break time for the purpose of expressing milk for nursing a child up to one (1) year after the child's birth.

- Employees are entitled to use regular paid breaks, meal periods, and unpaid break time to express milk. Departments are encouraged to provide flexible schedules so employees can makeup unpaid break time, and employees may use accrued paid leave time to cover the unpaid breaks.
- If possible, the time provided should run concurrently with any break time already provided to the employee.
- Travel time to and from the lactation space is not included in the employee break time if the lactation space is not within close proximity of the employee's workspace.
- Employees must be completely relieved from work duty during unpaid breaks.

## **SPACE**

The County will provide lactating employees with space in close proximity to the employee's work area that is shielded from view and free from intrusion by co-workers and the public. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space outlined below. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses.

Restrooms are prohibited from being utilized for lactation purposes.

Space requirements for lactation accommodation include, but are not limited to, the following:

- A space that that can be locked or otherwise safely secured and private.
- A space which is safe, clean, and free of hazardous materials.
- A space equipped with an electrical outlet. Extension cords should be made available.
- A space containing a flat surface to place a breast pump and personal items.
- A space that contains comfortable seating.



- A space that is in close proximity to a sink with running water and soap for hand washing and cleaning of breast pump parts and near a refrigerator for storage of expressed milk.
- A space that can be arranged to be used by the lactating employee during specific times of the day.
- If the employee has a personal/private office, a privacy screen, 'occupied' sign, door lock or other products may be furnished by the County for the purposes of lactation accommodation.

For employees who work in non-traditional worksites, supervisors and employees will collaborate to identify reasonable accommodations for the employee.

In the event multiple employees are requiring use of a shared lactation space, the department or employees will develop a schedule to accommodate each lactating employee.

### **STORAGE AND REFRIDGERATION**

Expressed milk may be stored in refrigerator/freezer units provided to employees for the storage of food. Expressed milk should be clearly labeled by the employee and stored in a manner to protect it from being contaminated by other foodstuffs stored in the unit. The County is not responsible for any lost or missing containers of expressed milk left in the refrigerators/freezers. Employees are encouraged to transport the expressed milk home daily. Employees may choose to store milk in a personal cooler located in their workspace.

If a refrigerator cannot be provided, the County will provide another cooling device suitable for storing milk, such as an employer-provided cooler.

### **NONCOMPLIANCE REPORTING PROCEDURE**

The County shall not discharge, or in any other manner discriminate or retaliate against, an employee for exercising or attempting to exercise any right protected under this policy. Employees who feel their right to express milk in the workplace has been violated or that they have been subject to harassment, discrimination, or retaliation as a result of exercising that right have the right to file a complaint.

An employee may report a violation of this policy to Human Resources. Questions concerning the application of this policy should also be directed to the Human Resources.



To contact HR, email [hr@co.slo.ca.us](mailto:hr@co.slo.ca.us) or call 805-781-5959.

Employees have the right to file a complaint with the Labor Commissioner's Office at 1-844-522-6734 for any violation of right under the California Senate Bill No. 142.

## **AUTHORIZATION**

California Law Related to Lactation Accommodation in the Workplace  
Labor Code Section 1030-1034

California Law Related to Breastfeeding in Public  
Civil Code Section 43.3

Federal Providing Urgent Maternal Protections (PUMP) for Nursing Mother's Act  
Senate bill 1658/ House of Representatives bill 3110