



Administrative Policy 4-14

Lactation Policy

Approved: Board of Supervisors, Resolution No 23-0162

Authority: County Administrator and/or Human Resources Director

Date: April 4, 2023

This policy applies to employees of the County of Sonoma, and County agencies and special districts governed by the Board of Supervisors/Directors/Commissioners. Where the policy uses terms such as “employed by the county”, “county employees”, “departments”, or “department heads”, these terms include employees and elected officials of the County of Sonoma, and of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Community Development Commission, The Sonoma County Fair and Exposition, Inc., the Sonoma County Employees Retirement Association, and the Sonoma County Water Agency.

1. Purpose

The County of Sonoma recognizes the importance of breast milk in the growth and development of infants and supports breastfeeding employees by accommodating the employee who wishes to express breast milk during their workday when separated from their newborn child. This Lactation Policy is established in order to:

- Promote a supportive work environment for lactating employees for as long as they desire to express breastmilk.
- Inform employees of the legal rights of lactating employees to request lactation accommodation.
- Advise employees of the County’s obligations to provide suitable lactation spaces.
- Provide a process for employees to request a lactation accommodation.

This policy complies with California State Labor Code Sections 1030 – 1033 and Senate Bill 142 (1/1/2020). In the event the law changes, the County will comply with the law.

2. Policy

The County shall provide lactating employees with the use of a lactation room or location and 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 a need to express milk.

Break time for expressing milk will, if possible, run concurrently with any rest or meal break time already provided to the employee. Break time to express milk that does not run concurrently with the regular rest or meal break time authorized for the employee shall be unpaid. Employees may use accrued vacation or compensatory time to compensate for any unpaid time that occurs. Departments may choose to allow employee to flex their time, if requested by the employee and agreed to by the department.

Departments are expected to provide reasonable flexing of rest and meal break times to support an employee’s desire to express milk. If it is not possible for an employee’s lactation break to run concurrently with the employee’s existing break, a separate unpaid break time will be made available to the employee.

Employees shall provide a regular schedule to the department, to the extent possible, so the department can ensure location availability and schedule work coverage, if needed. If the employee's schedule needs change, the employee shall notify their supervisor and the parties will establish a new schedule.

The County may comply with this policy by designating a lactation room or location that is temporary, due to operational, financial, or space limitation. Temporary spaces will not be a bathroom, will be in close proximity to the employee's work area, shielded from view, free from intrusion while the employee is expressing milk, and will comply with this policy, and all applicable legal requirements.

A copy of this policy and contact information for the Department's human resources designee will be provided to:

- New employees at time of hire;
- An employee approved for California Pregnancy Disability Leave; and
- An employee requesting or inquiring about parental/bonding leave

The County may not discharge, or in any other manner harass, discriminate or retaliate against an employee for exercising or attempting to exercise any right protected under this policy or the law. The employee has the right to file a complaint with the Labor Commission for any violation of their lactation accommodation rights.

3. Lactation Space Requirements

The employee will be provided with a lactation room or location that complies with the following requirements:

The lactation room or space:

- Must be located in close proximity to the employee's work area (or field-work territory), shielded from view, and free from intrusion while the employee is expressing milk.
- May not be a bathroom.
- Must be safe, clean, and free of toxic or hazardous materials as defined in Labor Code Section 6382.
- Must contain a place to sit, and a surface to place a breast pump and personal items.
- Must have access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery-powered breast pump.
- May include the place where the employee normally works if it otherwise meets the requirements of this policy.
- Can be a multi-purpose room if it satisfies all of the requirements listed above. Use of a multi-purpose room for lactation takes priority over other uses, but only for the time it is in use for lactation purposes.
- Should have a lock.

The lactation room or space must be in close proximity to:

- Access to a sink with running water and a refrigerator in close proximity to the employee's work area. (If a refrigerator cannot be provided, the county will provide another cooling device suitable for storing milk, such as a county provided cooler.)

Additional accommodation options may be available for field workers. Departments should work with their internal human resources staff and consult with County Human Resources as needed, to ensure lactation needs of field workers are adequately accommodated.

4. Responsibilities

Employees are responsible to:

- Notify their department of their request for lactation accommodation in advance, verbally or in writing, and in accordance with the procedure included in this policy.
- Notify their designated department human resources personnel or County Disability Management Unit if there are any issues or problems with the lactation accommodation provided, or if they have questions about their lactation accommodation.
- Notify their department of any changes needed in their lactation schedule or when their need to express milk ends, in accordance with the procedures included in this policy.
- Report discrimination, harassment or retaliation as outlined in the procedures of this policy.

Department Heads/Designees/Supervisors are responsible for:

- Being familiar with and understanding this policy, for identifying appropriate lactation locations, and for communicating lactation accommodation requests with their department human resources contact for coordination of the accommodation process upon verbal or written request from an employee.

Department Human Resources Contact(s) and designees are responsible to:

- Provide a copy of the lactation policy to new employees, employees on a pregnancy related leave of absence, or who inquire about bonding leave, Paid Parental Leave or Paid Family Leave for bonding.
- Notify employee in writing of receipt of the accommodation request.
- Communicate the accommodation in writing to the employee in advance of, or upon their return to work.
- Keep copies of the accommodation request and any related communication in the employee's confidential medical file, and provide copies to County Human Resources, Disability Management.
- Notify Disability Management when the accommodation is completed.
- Report accommodation challenges or issues to, or seek assistance for the accommodation process from, County Risk Management-Disability Management.

5. Definitions

County: County of Sonoma, including the agencies and special districts named in the introduction section of this policy.

Employee: Full-time and part-time employees, extra-help employees, and all other persons employed by the County, whether in permanent or probationary status.

Lactation Room or Location: A room or other location for the employee to express milk in private. A lactation room or location will comply with the lactation space requirements outlined in this policy.

Meal break: Thirty to sixty-minute period during the employee's work day, as defined under the Fair Labor Standards Act and as addressed within Salary Resolution or governing union memorandum of understanding.

Reasonable amount of time: The amount of time it takes an individual to express milk, as well as the frequency, varies. In addition to time spent expressing milk, "reasonable" time includes time spent going to and from the lactation room or location, setting up/cleaning up or equipment, and storing expressed milk in designated location.

Rest break: Paid, fifteen-minute break period as defined under the Fair Labor Standards Act and as noted within Salary Resolution or governing union memorandum of understanding.

Retaliate/Retaliation: Includes, but is not limited to, retaliatory action related to requests for time to express breast milk at work and/or against an employee who lodges a complaint related to their right to lactation accommodations.

6. Administrative Procedures for Requesting Lactation Accommodation

- A. Lactation Accommodation Requests: Breastfeeding employees who wish to express milk during work hours shall submit a completed, signed Lactation Accommodation Request to their supervisor and their department's human resources designee, at least five (5) business days before the start of the request. Any additional break time needed to express milk beyond the employee's regular rest breaks and lunch break should be indicated on the form, along with the anticipated schedule of lactation breaks, subject to change based on the employee's needs once they are in the workplace. Employee must inform their supervisor of any changes to their scheduled lactation rest and meal breaks. Employees shall promptly notify their supervisor and department's human resources designee when the need for lactation accommodation ends.
- B. Department Response: The Department will provide a written response to the employee acknowledging receipt of the form and outlining the accommodation that will be in place when they arrive at work. The Department will email a copy of the request and response to the County's Disability Management Unit (DisabilityUnit@sonoma-county.org). A department may not deny a lactation accommodation request without review and approval of the County's Human Resources Director/designee. Once approved, lactation breaks should not be interrupted except for emergency or exigent circumstances.
- C. Employer Records: The County will maintain a record of the written request for lactation accommodation that includes the name of the employee, the date of the request, and a description of how the County resolved the request. If a Department denies a request for lactation accommodation, it must save the written denial. Records will be maintained for three years.
- D. Retaliation/Complaints: The County's Lactation Policy expressly prohibits discharge, harassment, discrimination and/or retaliation against lactating employees for exercising their rights granted by this policy. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations. An employee may report a violation of this policy or California Labor Code Sections 1030 – 1033 to Sonoma County Human Resources, Disability Management Unit (DisabilityUnit@sonoma-county.org) or to the State of California Labor Commission's field enforcement unit. To file a discrimination complaint, contact the County Equal

Employment Opportunity division at EEOUnit@sonoma-county.org. Employees who harass, discriminate, or retaliate against employees who are exercising their rights under this policy may be subject to disciplinary action, up to and including termination of employment. Any questions concerning this policy should be directed to DisabilityUnit@sonoma-county.org.