

**SANTA CRUZ COUNTY
PERSONNEL ADMINISTRATIVE MANUAL**

Topic: LACTATION ACCOMMODATION
Section: SPECIAL COUNTY PROGRAMS
Number: XII.12.

Date Issued: April 2019
Date Revised: February 2022

PURPOSE:

This policy is to establish guidelines for promoting a breastfeeding-friendly and inclusive work environment and supporting lactating employees at the County of Santa Cruz (County). The County is committed to establishing a workplace environment which accommodates lactating employees and prohibits discrimination, harassment, and retaliation on the basis of pregnancy, lactation, or related medical condition.

LEGAL BASIS:

Labor Code 1030 – 1033
California Civil Code Section 43.3

POLICY:

In recognition of the well documented health advantages of breastfeeding, the County supports the rights and needs of its employees who choose to breastfeed and express milk in the workplace. The County expects employees and management to uphold and maintain a positive and supportive attitude toward employees who need to express milk within the workplace.

Discrimination against and harassment of lactating employees in any form is unacceptable and expressly prohibited by the County in accordance with policy against discrimination and harassment as outlined within Personnel Regulations Section 191.

It shall be the policy of the County to provide:

BREAKS:

Lactating employees are entitled to reasonable break time to express breast milk. Where possible, this break time shall run concurrently with the employee's regularly scheduled rest periods and meal breaks. Break time taken for this purpose that is in excess of that to which the employee is otherwise entitled shall not be paid as regular work time but with supervisory approval, the employee may make up their time with either sick leave, annual/vacation leave, or a flexed work schedule. Employees who wish to adjust their break schedule and/or take additional or longer breaks to express milk should work with their supervisor to establish a schedule that meets the needs of both the employee and the department.

If a suitable nearby location for expressing milk is not available, the time used to travel to and from the employee's work area to the private space provided must not be included in the calculation of time used for the expression of breast milk and travel time would be paid time.

LOCATIONS:

The County shall provide an appropriate, private space for employees to express milk. The private space provided shall have the ability to be locked and shall be shielded from view and free from intrusion from co-workers and/or the public. The County will make reasonable efforts to identify a location in close proximity to the lactating employee's work area. The space shall be equipped with an electrical outlet, a surface to place personal items, comfortable seating, and be located within a reasonable proximity to a water supply.

- a. The location may be the place where the lactating employee normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured).
- b. Restroom stalls do not constitute appropriate locations for lactation purposes and shall not be considered to meet the physical facility requirements outlined herein. Areas such as closets or storage rooms generally are not appropriate spaces for lactation purposes. Closets or storage rooms that do not contain noxious materials may be converted to be acceptable private spaces assuming they have adequate ventilation and meet the rest of the physical facility requirements of this policy.
- c. Lactating employees shall be provided easily accessible refrigerator and freezer units for storage of milk, and the County shall clearly label those units as being exclusively for milk storage. The County shall ensure on a regular basis that the units are properly maintained and sanitary. Lactating employees shall not be expected or required to use refrigerators and freezers used by employees for the storage of food, however, employees are also permitted to store breast milk in refrigerator and freezer units already otherwise used by employees by the County for the storage of food, if they chose to do so. Breast milk shall be clearly labeled. The County shall not be responsible for any lost or stolen containers left in refrigerators or freezers within County facilities.
- d. Every department has space either dedicated or available as needed. There is also a "Lactation Room" located at 701 Ocean Street, on the third floor. This room is available to any lactating employee who is doing business at the main County Building, jurors, or contractors doing business in the building. Please request a key at General Services, Room 330.

DISCRIMINATION AND HARASSMENT ON THE BASIS OF LACTATION OR EXPRESSING MILK IS PROHIBITED:

Managers and supervisors shall respond to any request for a lactation accommodation in accordance with the procedures outlined within this policy. Consistent with federal and state law, the County expressly prohibits harassment of and/or discrimination against lactating employees because they request accommodation to express milk at work and/or on the basis of their possession of a medical condition related to pregnancy. The County also prohibits retaliation against lactating employees for requesting accommodations and time to express breast milk at work and/or filing a complaint alleging a failure to accommodate, retaliation, discrimination, or harassment on the basis of pregnancy, lactation, or a medical condition related to pregnancy or breastfeeding. Employee complaints shall be addressed in accordance with the County of Santa Cruz's complaint procedure as outlined within Personnel Regulations Section 192.

PROCEDURE:

- a. A lactation educational packet, including a copy of this policy and information about breastfeeding support after returning to work shall be provided to employees prior to their maternity leave.

- b. To request an accommodation for lactation, an employee shall advise their supervisor and/or the Personnel Department of the request either verbally or in writing at the earliest opportunity, ideally prior to taking leave, so that necessary arrangements can be made prior to return to work. Newly hired employees requiring lactation accommodations presently or in the near future shall similarly notify the Personnel Department and/or their supervisor at the earliest opportunity to ensure that accommodations are in place when needed.
- c. Supervisors and the Personnel Department in receipt of a request for lactation accommodations will review the request and respond within a reasonable timeframe so as to avoid interference with the employee's lactation needs. For non-office worksites, the employee, the supervisor, and the Personnel Department should engage in a good faith interactive process to identify potential reasonable accommodation.
- d. The County will continue to support and accommodate the lactating employee for as long as the employee chooses to continue to express breast milk for her child.

COMMUNICATION:

- a. A copy of this policy shall be provided to every employee prior to their maternity leave or upon request.
- b. This policy shall be posted on the County of Santa Cruz Personnel Internet/Intranet webpage.
- c. This policy will be included in Supervisory Academy trainings.

QUESTIONS/CONCERNS/COMPLAINTS:

Any employee who believes that their right to express breast milk in the work place has been violated, or that they have been subjected to harassment, discrimination or retaliation as a result of exercising that right, may contact the County Equal Employment Opportunity Office at 454-2600.