

# MONO COUNTY ADMINISTRATIVE POLICY AND PROCEDURES MANUAL

<b>Subject:</b>  LACTATION	<b>Policy Number:</b> C-3	<b>Page Number:</b> Page 1 of 2
	<b>Date Approved:</b>	January 11, 2022 (R22-09)
	<b>Revisions:</b>	

## PURPOSE

California Labor Code Sections 1030-1034 (the “Law”) require employers in California to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child and the Law provides for 15 minutes of paid break time, to be taken concurrently with the employee’s regularly scheduled break period (or unpaid if at another time).

Pursuant to Labor Code Section 1034c, this Lactation Policy will be provided to all new hires, and whenever an employee makes an inquiry about parental leave.

## POLICY

If a provision of this policy conflicts with any provision of a valid memorandum of understanding (MOU) between Mono County and a recognized employee organization, the provision of the MOU that is in conflict shall apply to employees covered by that MOU, to the extent that the MOU provision does not conflict with applicable state or federal law.

1. County employees have a right to request lactation accommodation. The County will provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee’s infant child each time the employee has a need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee and each lactation break may extend to up to 30 minutes of paid time. If the employee takes a lactation break that exceeds 30 minutes, then the time exceeding 30 minutes shall be unpaid, or the employee may choose to use accrued leave.
2. Those employees 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. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.
3. The County will provide a room or other appropriate location in close proximity to the employee’s worksite that is not in a bathroom to express milk in private. The room or location will meet the following requirements:
  - a. Be accessible to the employee without needing to obtain access (e.g., a key or that a door be unlocked) from a third party;
  - b. Be shielded from view and free from intrusion while being used to express milk;

- c. Be safe, clean, and free of hazardous materials as defined in Labor Code section 6382;
  - d. Contain a surface on which to place a breast pump and personal items;
  - e. Contain a place to sit; and
  - f. Have access to electricity needed to operate an electric battery-powered breast pump.
4. 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 should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. When a multipurpose room is used for lactation, the use of the room for lactation shall have precedence over other uses, but only during the time it is in use for lactation purposes.
  5. 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.

#### PROCESS FOR REQUESTING ACCOMMODATION

1. An employee may request accommodation for lactation breaks by submitting a lactation accommodation request form (available on the County's intranet site) to the designated department supervisor.
2. The department supervisor must respond to the employee's accommodation request in writing on the same lactation accommodation request form submitted by the employee indicating the approval or denial of the break request. The completed request form must be returned to the employee and a copy sent to Human Resources.
3. The requested break time should, if possible, be taken concurrently with other scheduled break periods. Non-exempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled break periods. Any such breaks will be unpaid.
4. Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.