



M E M O R A N D U M
HUMAN RESOURCES
County of Placer

TO: Board of Supervisors
FROM: Kate Sampson, Director of Human Resources
BY: Nicole Lopez, Human Resources Manager
SUBJECT: Employee Lactation Accommodation Policy

DATE: December 15, 2020

ACTION REQUESTED

Approve and adopt a Placer County Employee Lactation Accommodation Policy.

BACKGROUND

Since 2002, California law has required employers to provide reasonable break time and a location, other than a bathroom, for employees to express breast milk in private. The California Legislature passed a new law, Senate Bill 142 ("SB 142"), which imposes additional lactation accommodation requirements on employers. This law requires implementation of a lactation accommodation policy, changes employers' ability to claim an exemption, increases penalties for any violations, and ensures that lactation locations have expanded mandatory features.

The Employee Lactation Accommodation Policy has been developed to ensure that Placer County complies with the requirements under SB 142. Specifically, SB 142 requires that employers implement a policy that includes an outline of the increased lactation location provisions, clarifies break time and the number of breaks, and provides information on an employee's right to file a complaint. In addition to employees having access to the policy through the Placer County Placer Administrative Manual (PAM), employees will also receive the policy at the time of hire and when they inquire about or request parental leave.

FISCAL IMPACT

There is no fiscal impact associated with adoption of the Employee Lactation Accommodation Policy. Costs incurred for the provision of lactation accommodations will be included in department operating budgets.

ATTACHMENT

Attachment 1 – Placer County Employee Lactation Accommodation Policy

1.0 PURPOSE

The purpose of this policy is to establish general Countywide guidelines and criteria related to Employee Lactation Accommodations in Placer County (the County).

2.0 POLICY

An employee may make a request for lactation accommodation, either orally or in writing, to their supervisor and/or the Placer County Human Resources Department.

3.0 BREAK TIME TO EXPRESS

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. If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid and the employee will be required to utilize their accrued leave.

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. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

4.0 USE OF ROOM/LOCATION

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 shielded from view and free from intrusion while being used to express milk;
- b. Be safe, clean, and free of hazardous materials;
- c. Contain a surface on which to place a breast pump and personal items;
- d. Contain a place to sit; and
- e. Have access to electricity needed to operate an electric battery-powered breast pump.

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.

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. If a refrigerator cannot be provided, an alternative cooling device suitable for storing milk may be provided.

5.0 RESPONSE TO REQUEST FOR LACTATION ACCOMMODATION

Following receipt of a request for a lactation accommodation, the County will provide a timely written response to the employee in which the County will indicate if it is unable to provide the requested break time or a requested location for the purposes of expressing breast milk. Supervisors are encouraged to be flexible and are required to comply with current state, federal, and local laws, regulations, and policy.

6.0 FILING A COMPLAINT

An employee who does not believe that the County is providing an appropriate lactation accommodation as required by state law should immediately inform the Placer County Human Resources Department. Employees also have a right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner.

7.0 RETALIATION IS PROHIBITED

The County prohibits discrimination and retaliation against employees for exercising or attempting to exercise any right to request lactation accommodation.

