

COUNTY OF TULARE
Human Resources & Development Department

SUBJECT: LACTATION ACCOMMODATION GUIDELINES

EFFECTIVE DATE: January 1, 2020

POLICY

In accordance with the State of California Labor Code Section 1030-1033, every employer, including the State of California and any political subdivision, shall make reasonable efforts to provide the use of appropriate space for employees who desire to express milk for their infant child during work hours.

GUIDELINES

1. Breaks

- a. County departments will provide a reasonable amount of time to accommodate an employee desiring to express breast milk. The time provided, if at all possible, should run concurrently with any County paid break times. The time provided beyond the County paid break time shall be unpaid unless an employee has enough paid leave hours to cover such additional time (vacation or compensatory time off (CTO))
- b. If at all possible, the time provided should run concurrently with any break time already provided to the employee. The County is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer. If a supervisor believes such would occur, they should contact their department's human resources representative.

2. Space

- a. County departments will make reasonable efforts to provide the employee with the use of a private and secure room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section. Consideration for designation of workplace spaces used for lactation includes, but is not limited to the following:
 - i. A room equipped with an electrical outlet
 - ii. A room that contains comfortable seating
 - iii. A room that can be locked or otherwise safely secured and private, if possible
 - iv. A room containing a surface to place a breast pump and personal items
 - v. A room which is safe, clean, and free of hazardous materials, as defined in Labor Code § 6382
 - vi. The employee's work area if it can be sufficiently made private
 - vii. A room which can be arranged to be used by the lactating employee during specific times of the day

- b. For non-traditional work sites, the department shall seek guidance from Risk Management to begin a process to identify reasonable accommodations for the employee.
- c. Where a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over the other uses, but only for the time it is in use for lactation purposes

3. Notification

- a. These guidelines will be communicated to employees by:
 - i. Distribution of guidelines to new employees during New Employee Orientation
 - ii. Inclusion of guidelines in the Employee Handbook
 - iii. Guidelines reviewed with the employee when there is a request for pregnancy related leave prior to the leave commencing and again when the employee returns to work from such leave.

4. Lactation Accommodation Request Procedure

- a. An employee who needs a lactation accommodation will inform her direct supervisor or the department's human resources representative no later than 14 days prior to the need, if feasible, and will discuss relevant workload or scheduling issues.
- b. The human resources representative will work with the employee to complete a Lactation Accommodation Request Form. The employee will sign the completed form, acknowledging her understanding of the guidelines and any impact to compensation or leave accruals.
- c. The completed form will be reviewed by management for approval. When approved, coordination with the department's payroll will occur, if needed. A copy of the approved form will be provided to the employee.
- d. The direct supervisor or manager will work with the department human resources representative to identify an appropriate space within their department in accordance with the space guidelines above (2.a).
- e. If the department is unable to locate an appropriate space to meet the employee's request, the department will contact Risk Management for advice and assistance. If it is determined an appropriate space cannot be located, the department will provide a written response to the employee.

5. Atmosphere of Tolerance

- a. Discrimination against and/or harassment of an employee on the basis of breastfeeding and/or lactation in employment or in access to employment is prohibited. Such conduct may unreasonably interfere with an employee's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding and/or lactating employee will be addressed in accordance with the County's policies and procedures addressing harassment and discrimination.
- b. Any questions regarding these guidelines should be directed to the department's human resources representative or the County Human Resources & Development Department.

6. Employee's Right to File a Complaint

- a. Employees who have concerns regarding the application of these guidelines have the right to notify the Human Resources & Development Department to review the concerns.
- b. Additionally, if you feel your employer is not providing you with adequate break time and/or a place to express milk as provided for in Labor Code Section 1030, you may file a report/claim with the California Labor Commissioner's Office, otherwise known as the Division of Labor Standards Enforcement (DLSE). To file a report/claim, contact the DLSE Bureau of Field Enforcement (BOFE) at the BOFE office nearest your place of employment.
See <http://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm>.
- c. The DLSE may, after an inspection, issue to an employer who violates any provision of this chapter, a civil citation (\$100.00 for each violation) that may be contested in accordance with the procedure outlined in [Labor Code Section 1197.1](#) ([Labor Code Section 1033](#)).
- d. In addition, any employee who is a victim of retaliation for either asserting a right to lactation accommodation or for complaining to the DLSE about the failure of an employer to provide this accommodation may file a retaliation claim with DLSE pursuant to [Labor Code Section 98.7](#) .