



**COUNTY OF SAN BERNARDINO
POLICY MANUAL**

No. 07-23

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EFFECTIVE DATE May 23, 2023

POLICY: LACTATION ACCOMMODATION

APPROVED

DAWN ROWE
Chair, Board of Supervisors

POLICY STATEMENT AND PURPOSE

The San Bernardino County (County) will provide a reasonable amount of break time and appropriate space for employees who desire to express breast milk for their infant child each time the employee has a need to express breast milk (Lactation Accommodation). All County employees, including temporary agency employees, have the right to request a Lactation Accommodation. There is no length of service requirement to be eligible.

Each Department's Appointing Authority is responsible for implementing this Lactation Accommodation policy. Managers and Supervisors must consult directly with their assigned department Human Resources Business Partner for assistance in complying with this policy. The Human Resources Director is responsible for ensuring compliance with this policy.

DEPARTMENTS AFFECTED

Board of Supervisors, Elected Officials, all County Agencies and Departments, Board-Governed Special Districts, and Board-Governed entities.

POLICY AMPLIFICATION

1. Lactation Breaks

- a. A reasonable amount of break time must be provided to accommodate an employee desiring to express breast milk in private for the employee's infant child each time the employee has a need to express breast milk.
- b. The lactation breaks may run concurrently with the employee's existing break periods. Employees who use their regular paid rest breaks as their lactation breaks are paid during the rest breaks.
- c. If it is not possible for the lactation break to run concurrently with the employee's existing break period, a separate and unpaid break period must be made available for the employee.
- d. Eligible employees may use appropriate leave time to cover the unpaid break period as approved by the employee's Appointing Authority.

2. Lactation Space

Managers and Supervisors must provide a room or location for an employee to express breast 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.

The lactation room or location:

- Must not be a bathroom.
- Must be:
 - in close proximity to the employee's work area;
 - shielded from view;
 - free from intrusion while the employee is expressing milk; and
 - safe, clean and free of hazardous materials.
- Must contain a surface to place a breast pump and personal items.
- Must provide a place to sit.
- Must have access to electricity or alternative devices, such as extension cords or charging stations that are needed to operate an electric or battery-powered breast pump.

Managers and Supervisors must also provide access to:

- A sink with running water.

- A refrigerator suitable for storing milk that is in close proximity to the employee's workspace. If a refrigerator cannot be provided, Managers and Supervisors may provide a County provided cooler or other suitable cooling device.

Multipurpose rooms may be used for lactation space if they satisfy the requirements of this section. Use of the room for lactation shall take precedence over the other uses, but only for the time it is needed for lactation purposes.

3. Procedure

- a. An employee who desires a Lactation Accommodation should contact their Manager or direct Supervisor who will engage in an interactive process with the employee to determine when and where the lactation breaks will occur. An employee's request may be provided orally, by email, or in writing, and need not be submitted on a specific form.
- b. Subject to any permissible defenses, Managers and Supervisors have an obligation to reasonably accommodate an employee's Lactation Accommodation request and to provide the requisite facilities. If the Department is not able to provide break time or a lactation location, the Department will provide a written response to the employee, as required by law.
- c. Questions concerning compliance with this policy can be directed to the Department's assigned Human Resources Business Partner.

4. Employee Rights

If an employee is subjected to any conduct that they believe violates this policy, the employee should promptly speak to, write to, or otherwise contact the Department's assigned Human Resources Business Partner or a representative from the County's Equal Employment Opportunity office. Employees also have the right to file a complaint with the state's Labor Commissioner for any violation of a right under the lactation accommodation law, including being denied reasonable break time or adequate space to express breast milk, and the prohibition against retaliation. Complaints may also be filed with the California Civil Rights Department and the U.S. Equal Employment Opportunity Commission.

5. Discrimination, Harassment and Retaliation is Prohibited

The County will not tolerate discrimination, harassment or retaliation against employees who exercise their rights to a Lactation Accommodation, including those who request time to express breast milk at work and/or who lodge a complaint related to the right to a Lactation Accommodation. The County is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. For more information on the County's Policy Prohibiting Discrimination, Harassment and Retaliation, please refer to County Policy No. 07-01.

LEAD DEPARTMENT

Human Resources

APPROVAL HISTORY

Adopted May 23, 2023

REVIEW DATES

MAY 2028