County of Monterey
Board Policy Manual

Policy Name	Policy Number	Page
Lactation Accommodation While at Work	P-210	1 of 4
Policy Category Personnel		

I. Purpose

The purpose of this policy is to promote a breastfeeding supportive work environment that encourages breastfeeding and to inform employees of their rights and the process to request lactation accommodation in accord with California State and federal laws regarding breastfeeding and the expressing of breast milk in the workplace.

The County of Monterey is also committed to providing support for employees who are working from home.

II. Policy

It is the policy of the County to have an inclusive work environment for breastfeeding employees. The County will support breastfeeding employees by providing time for expressing breast milk in appropriate locations.

III. Procedure

1. Process to Request Accommodation

a. Employees desiring lactation accommodation must submit a Lactation Accommodation Request Form to the designated Departmental Benefit Coordinator before accommodation is needed.

2. Training & Resources

a. A Monterey County Breastfeeding and Lactation webpage is hosted and updated by the County Health Department's Wellness Program in consultation with the Health Department's Breastfeeding Coordinator. Employee breastfeeding education materials are posted on the webpage.

b. A breastfeeding education pamphlet and a copy of this policy will be included in the new employee orientation packet.

c. The Departmental Benefit Coordinator shall provide a breastfeeding education packet, including a copy of this policy and breastfeeding resources, to employees when they make

an inquiry about or request parental leave. This packet is also available to expectant partners or kin prior to taking Family Medical Leave.

d. Employees and their partner/support person may use their Wellness release time for breastfeeding education classes offered through the Wellness Program.

e. Wellness Program staff, in consultation with the Health Department's Breastfeeding Coordinator, will be available to consult with any employee or supervisor regarding lactation accommodation issues and may conduct site visits if requested.

f. All County employees are required to complete the Learning Management System Wellness: Lactation Accommodation While at Work training within one year of the approval of this policy. All new hires are required to complete the training within six months of hire date.

3. Scheduling

a. Employees shall be allowed a flexible schedule for expressing breast milk.

b. The time allowed for expressing breast milk may exceed a normal lunch or break period. Any time in excess of a normal lunch or break period will 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, paid time off (PTO) or a flexed work schedule.

c. The time used to travel to and from the employee's work area to an appropriate lactation space is not included in the calculation of break time. This does not apply to employees that are teleworking.

4. Facilities

Bathroom facilities **should not** be considered an appropriate lactation room or location.

a. A lactation room or location will conform to the following:
    i. Is in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk. Windows must have coverings and doors are lockable.
    ii. Be safe, clean, and free of hazardous materials.
    iii. Contain a surface to place a breast pump and personal items.
    iv. Contain a place to sit.
    v. Contain electric plugs or be accessible to alternative devices to deliver power, including, but not limited to, extension cords or charging stations.
    vi. A lactation space may be a location that is temporary due to operational, financial, or space limitations. Temporary space shall not be a bathroom, must be in close

proximity to the employees' work area, shielded from view, free from intrusion while in use expressing milk, and otherwise compliant with this section.

b. The employee will have access to a sink with running water, preferably hot and cold, soap for handwashing and cleaning equipment, and a refrigerator suitable for storing milk in close proximity to the employee's workspace.

c. Where a multi-purpose room (e.g. meeting 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.

d. County employees/agents/contractors are entitled to reasonable access to County designated lactation spaces.

e. Breastfeeding resources, including facilities available to County employees, are included on the Health Department's Lactation and Breastfeeding webpage.

5. Compliance

a. The Public Works, Facilities and Parks Department will identify appropriate lactation locations in consultation with the Health Department's Breastfeeding Coordinator.

b. The County recognizes that some worksites do not have dedicated lactation space to accommodate a lactating employee; in such instances, the Departmental Benefit Coordinator and Health Department's Breastfeeding Coordinator will work with the employee to identify an appropriate location. This may include a flexible schedule to allow the employee to travel to an alternate location, or other resolution.

c. Managers and supervisors shall adhere to the policy and procedures set forth and shall refer requests for lactation accommodation to their Departmental Benefit Coordinators.

d. No County employee may discriminate or retaliate against a lactating employee for exercising or attempting to exercise any right protected under this policy.

e. If the County cannot provide break time or a location that complies with this policy, the Departmental HR shall provide guidance and a response to the employee.

f. Employees who feel they have been denied appropriate lactation accommodation by their supervisor, should inform their Departmental Benefit Coordinator and/or HR professional as soon as possible.

6. Inclusive Work Environment

a. Monterey County promotes an inclusive work environment for lactation in the workplace. Breastfeeding shall not be a source of discrimination in employment or in access to employment.

b. It is prohibited under this policy to harass a breastfeeding employee who is expressing breast milk in the workplace or create an intimidating, hostile or offensive working environment.

c. Any incident of harassment of a breastfeeding employee will be addressed in accordance with County of Monterey P-160 Nondiscrimination Policy.

d. Employees with concerns about expressing breastmilk are encouraged to work with their Departmental Benefit Coordinator or HR professional to assist in resolving their issues. However, employees can always contact the Civil Rights Office with any concerns.

e. If an employee believes that a violation of the lactation accommodation requirements set forth in Labor Code sections 1030 through 1034 has occurred, the employee has a right to file a complaint with the California Department of Fair Employment and Housing (DFEH), the federal Equal Employment Opportunity Commission (EEOC), or the California Labor Commissioner.

IV. Legal Authority

- California Civil Code section 43.3 (1997) asserts the rights of parents to breastfeed their child in any location where they are otherwise entitled to be present.

- California added Labor Code Sections 1030-1034 (2002, 2018, 2019) to require employers to provide a reasonable amount of break time and use of space appropriate for the expression of breast milk.

- United States Fair Labor Standards Act of 1938, section 7, was amended (2010) with passage of the Patient Protection and Affordable Care Act (P.L. 111-148) by adding requirements for employers to provide time and space to express breast milk.

- California Fair Employment and Housing Act was amended in 2012 to include breastfeeding or medical conditions related to breastfeeding under the definition of sex as a protected class (Government Code Section 12926)

V. Review Date

a. This Policy will be reviewed for continuance by March 16, 2026.

VI. Board Action

a. Legistar File No. 21-219, March 16, 2021.