

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:	<u>Number</u>	<u>Page</u>
LACTATION ACCOMMODATIONS FOR EMPLOYEES	C-4	1 of 2

PURPOSE

Pursuant to Sections 1030-1034 of the California Labor Code, the purpose of this policy is to affirm the County's commitment to comply with the law and protect the right of employees to request lactation accommodation when there is a need to express breast milk for their infant child during work hours.

SCOPE

This policy applies to all County of Riverside employees.

POLICY:

Employee requests for lactation accommodation can be made with their immediate supervisor, manager, department head or the Human Resources Department.

Break Time – Upon request, the County shall provide a reasonable amount of break time to accommodate an employee desiring to express milk for the employee's infant child each time the employee has need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee.

Private Lactation Spaces – Upon request, the County shall provide an employee with the use of a room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works, and must meet the following requirements:

1. A lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
2. The room or location must be safe, clean and free of hazardous materials.
3. The room or location must contain a surface to place a breast pump and personal items.
4. The room or location must contain a place to sit.
5. The room or location must have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations needed to operate a battery-powered breast pump.
6. The County must provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's work area. If a refrigerator cannot be provided, the County may provide another cooling device suitable for storing milk, such as an employer-provided cooler.
7. Where a multipurpose room is being used for lactation (e.g., a conference room), 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.
8. If the County shares tenancy in a building with another employer, it is permissible to provide a space that is shared among the multiple tenants if the County cannot provide a location within its own workspace.
9. The County may designate a lactation location that is temporary, due to operational, financial or space limitations. These temporary locations shall not be a bathroom and

COUNTY OF RIVERSIDE, CALIFORNIA
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Subject:	<u>Number</u>	<u>Page</u>
LACTATION ACCOMMODATIONS FOR EMPLOYEES	C-4	2 of 2

shall be in close proximity to the employee's work area, shielded from view and free from intrusion while the employee is expressing milk.

Exceptions – Pursuant to Section 1032 of the California Labor Code, the County is not required to provide break time under this policy if to do so would seriously disrupt its operations.

Responses to Requests – If the County cannot provide break time or a location that complies with this policy, the County shall provide a written response to the employee.

Breastfeeding Discrimination – Under California's Fair Employment and Housing Act (FEHA), it is unlawful to engage in specified discriminatory practices in employment on the basis of sex. Under existing law, "sex," for the purposes of the act, includes gender, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. California Assembly Bill 2386 recently amended the statutory definition of "sex" under FEHA to now include breastfeeding or medical conditions related to breastfeeding.

Complaints – Complaints of violations of this policy can be made with the Human Resources Department and/or a complaint can be filed with the State of California Department of Industrial Relations, Labor Commissioner's Office.

Reference:

Minute Order dated 05/15/1961
Minute Order 3.11 of 04/24/2018 (RESCINDED)
Minute Order 3.23 of 06/30/2020