

NAPA COUNTY LACTATION ACCOMMODATION POLICY

I. SUMMARY/PURPOSE

Napa County recognizes the importance of promoting an environment supportive of lactating employees, who are entitled to express milk during the workday in private, sanitary, and safe conditions.

II. POLICY

The County has a zero-tolerance policy of discrimination against lactating employees and will ensure lactating employees' rights under federal and state law are honored. This Lactation Accommodation Policy shall be disseminated to incoming employees as well as to employees requesting parental leave and returning from parental leave.

A. An Appropriate, Private Space to Express Milk

The County and its departments shall provide an appropriate, private space to lactating employees for expressing milk, including employees of subcontractors when the subcontractor makes a written request at least two business days in advance. All reasonable efforts shall be made to ensure the location for expressing milk is in close proximity to each lactating employee's work area.

The space shall be shielded from view, free from intrusion while the employee is expressing milk, and safe, clean, and free from hazardous materials as defined in Labor Code section 6382. The space shall be equipped with an electrical outlet, have comfortable seating, and have a surface for the employee to place their breast pump and personal items. The location may be the employee's usual workspace only if it meets the requirements of this paragraph.

Areas such as restrooms and closets are not appropriate spaces for expressing milk. When necessary, to provide closer proximity to the lactating employee's work area, storage rooms that do not contain noxious materials and that meet the requirements stated above, may be converted into acceptable private, secure spaces and serve as a lactation room. If a multipurpose room is used for both expression of milk and other uses, the exclusive use of the room for expression of milk shall take precedence.

The County shall ensure there is a sink with running water and a refrigerator suitable for storing milk (or another cooling device) available to the employee. For non-traditional worksites, the employee, their supervisor and/or the Human Resources Department will enter into a good-faith interactive process to identify reasonable accommodations to support an employee's ability to express milk in the workplace.

B. Reasonable Break Time to Express Milk

The employee's supervisor shall make time available for an employee to express milk. If possible, the lactation time should be the same as the employee's regular break time. If an employee needs a time other than their regularly scheduled break time, or additional time that exceeds their regularly scheduled break, their supervisor shall accommodate that request. Additional time for milk expression that extends beyond the employee's regular break time will be unpaid. However, at the employee's request and with their supervisor's approval, the beginning and/or ending time of employee's work shift *may* be adjusted to accommodate these breaks.

C. Information Provided to Employees

Each employee shall be provided a copy of this Policy when hired, when requesting parental leave, and after returning to work from such leave.

An employee has the right to request lactation accommodation. An employee who has need for lactation accommodation should inform their supervisor and/or County's Human Resources Department and discuss any relevant workload or scheduling issues, including any individual requirements for more frequent breaks or longer breaks for expression of milk.

Supervisors and/or Managers who receive a lactation accommodation request shall do the following:

1. Review available space in the division and prepare to provide appropriate nearby space and break time, as described in this Policy.
2. Contact Human Resources for advice and assistance if they are unable to locate appropriate space to meet an employee's request.
3. Respond promptly to the employee's request in writing detailing accommodations that will be made.

Employee complaints regarding this Policy or their department's response to a lactation accommodation request shall be made directly to the Department of Human Resources, which will attempt to resolve the complaint. When requested, Human Resources shall also provide advance guidance to departments to assist them with implementing this Policy. If a department cannot provide break time or a location that complies with this Policy, the department shall provide a written response to the employee explaining its efforts and the reasons it cannot comply.

D. Zero Tolerance

Expressing milk shall not constitute a source of discrimination in employment or in access to employment. This policy expressly prohibits any form of harassment toward a lactating employee. Such conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment, is prohibited. Any incident of harassment of a lactating employee will be addressed in accordance with the County's policies and procedures for discrimination and harassment. This policy also prohibits all forms of retaliation, reprisal, or

threats of reprisal toward a lactating employee who requests or requires an accommodation for expression of milk.

E. Filing a Complaint

Employees who believe they have been denied a lactation accommodation or retaliated against for requesting an accommodation provided in this Policy have the right to file a complaint with the California Department of Industrial Relations at www.dir.ca.gov.

Employees who believe they have been denied a reasonable accommodation related to breastfeeding or subjected to discrimination, harassment, or retaliation in regard to breastfeeding should contact the Human Resources Department to file a complaint under Napa County Policy Manual Section 37K. A complaint may also be filed with the California Civil Rights Department at www.calcivilrights.ca.gov and/or the U.S. Equal Employment Opportunity Commission at www.eeoc.gov.