



Policy Type: Board

Category: Personnel

Policy Name: Lactation Accommodation - Board Policy 3.59

Policy Owner: Public Health

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3.59 LACTATION ACCOMMODATION (Adopted 4-21-15)

The County of Santa Clara recognizes that breast milk is the optimal food for growth and development of infants. Extensive research documents diverse and compelling advantages to infants, mothers, families, and society from breastfeeding and the use of human milk for infant feeding. These include health, nutritional, immunological, developmental, psychological, social, economic, and environmental benefits.

Both Federal law ([29 U.S.C. § 207\(r\)](#)) and California law ([Lab. Code §§ 1030-1033](#)) require employers to provide a location to express breast milk in private and a reasonable amount of break time to accommodate women wishing to express breast milk. The Board of Supervisors affirms that it is the policy of the County of Santa Clara to provide a room or other private location and a reasonable amount of break time for County employees who wish to express breast milk or nurse an infant at work.

Therefore, it is the policy of the Board of Supervisors that:



(A) Breaks

- (1) A reasonable amount of break time must be provided to employees who want to express breast milk or nurse an infant.
- (2) The break time shall, if possible, coincide with any paid break time already provided to the employee. Additional break time that does not run concurrently with the break time authorized for the employee by the County shall be unpaid.

Generally, a nursing mother needs to express breast milk every 2-3 hours, and a typical pumping session requires 20-40 minutes, including time for travel to and from the private lactation space, expression of milk, clean up and storage.

- (3) With supervisory approval, the employee may use personal leave, vacation time, compensatory time off (comp time), a flexed work schedule, or any other arrangement allowed under the employee's labor agreement to cover any unpaid break time.

(B) Space

- (1) Every County department shall make reasonable efforts to provide employees with a room or other private location in which to express milk or nurse an infant. This space must not be a bathroom (29 U.S.C. § 207(r)(l)(b)) or a toilet stall (Lab. Code § 1031), and the space should be in close proximity to the employee's work area. For the purposes of this policy, "close proximity" means generally not more than a 5-minute walk. A room or location can be made private by placing a message on the door that the room is in use, drawing blinds or curtains, covering windows, or setting up a portable partition. The room or location may include the place where the employee normally works if it is shielded from view, free from intrusion



from coworkers and the public, and otherwise meets the requirements of this policy.

- (2) At existing County buildings designated as Major County Facilities by the County Executive, the County shall make available, at minimum, one dedicated lactation accommodation room with each of the following characteristics:
 - (a) A door that locks with a thumb lock, key pad lock, or ID badge reader.
 - (b) An electrical outlet that will accommodate a breast pump.
 - (c) Close proximity to a refrigerator.
 - (d) Close proximity to a sink with running water for hand washing and cleaning of equipment.

When the County constructs a new facility or acquires a facility, a dedicated lactation accommodation room with these characteristics is required, unless waiver is granted by the Office of the County Executive for small buildings, special uses, or occupancies, etc. Waiver will only be granted after advance consideration of the appropriateness for such rooms in the planning process. Public access to dedicated lactation accommodation rooms should be provided when doing so does not compromise the security of County operations. California law permits a mother to breastfeed her child in any location, public or private, where the mother and child are otherwise authorized to be present (Civ. Code § 43.3).

- (3) The County Executive shall maintain a list of Major County Facilities that contain dedicated lactation accommodation rooms and ensure that the list is available to all County employees, and that the procedures necessary for employees and visitors to access these spaces are implemented. For



employees at non-traditional County worksites, the employee's supervisor will work with the employee to create a mutually acceptable solution. This may include a flexible schedule to allow the employee to return home for such activity, a temporary transfer to another facility, or other resolution. Additionally, the County should endeavor to make available dedicated lactation accommodation rooms containing these characteristics at every County facility where doing so would be feasible and when it is determined that a permanent room is the best way to ensure that the requirements of this policy are met.

(C) Storage

- (1) A hygienic and secure location will be available for employees to store expressed milk.

(D) Notification/Education

- (1) A copy of this policy shall be disseminated to every incoming and current employee.
- (2) Breastfeeding accommodation information shall be included in employee orientation materials.
- (3) Managers and supervisors shall be familiar with County Lactation Accommodation policies.
- (4) A breastfeeding education packet, including a copy of this policy and breastfeeding support after returning to work, shall be made available to employees prior to their maternity leave.



(5) Materials related to breastfeeding and lactation accommodation shall be posted on the County of Santa Clara website, to be made available to employees and the community.

(6) Information promoting the benefits of breastfeeding and lactation accommodation shall be displayed in break areas.

(E) Atmosphere of Acceptance

(1) Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the County of Santa Clara's policies and procedures for discrimination and harassment.

(F) Children in the Workplace

(1) Except as described above, this policy does not change existing County practice concerning children in the workplace.

The County Executive shall ensure that the Board's policy on lactation accommodations is made known to all County employees, and that the procedures necessary to assure compliance are implemented.

Frequently Asked Questions

1) What is a reasonable amount of time for a pumping break?

Typically, a pumping session requires 20-40 minutes; however, the amount of time it takes varies from mother to mother.

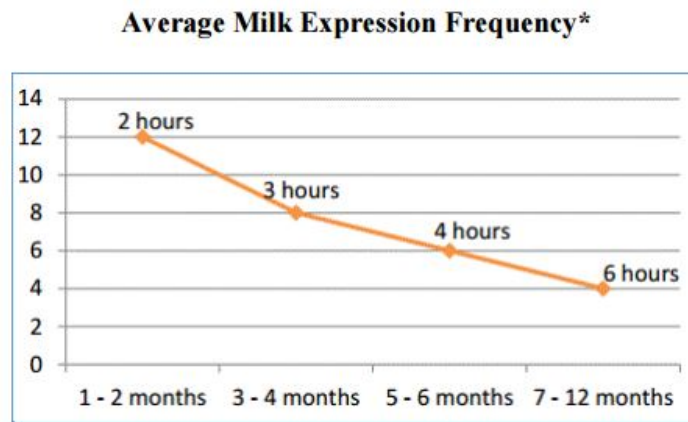


A lactation break requires time to gather pumping supplies, get to the lactation space, clean hands, set up the pump, express milk, clean pump parts, store milk and return to the work area.

2) How many breaks will a lactating woman typically need?

A lactating woman typically needs to express breast milk about every 2-3 hours when she is away from her baby. A pumping break in the morning, pumping during the lunch break and a pumping break in the afternoon works well for many women. Some women may require more or fewer breaks, depending on their specific need.

Average Milk Expression Frequency*



*Source: Wright, W. (2013). Lactation Accommodation in the time of health care reform – How to make it work for employees and employers.

3) What types of locations can be used as a lactation accommodation space?

A variety of spaces can be used for expressing breast milk. Infrequently used or unused office space or other room may be converted into a



lactation space. A small corner of a room can be sectioned off with either permanent walls or portable partitions.

Additional examples include a vacant office, conference room, or dressing room. A small storage area that can be made private can also be used; however, it must not contain noxious or hazardous materials. Any items used for cleaning should not be stored in a room used for lactation.

If no other alternative is available, a supervisor may vacate his or her own office to allow an employee to express milk.

4) Can an employee use her own private office to pump?

Yes. An employee can pump in her own private office if it can be made private enough by closing doors and obscuring windows.

5) What are hygienic and secure locations that employees can store breast milk?

Employers are encouraged to provide a refrigerator designated for breast milk storage located in the lactation accommodation space or other secure location.

The CDC does not list breast milk as a body fluid that requires special handling precautions. According to the Academy of Breastfeeding Medicine, breast milk "can be stored in a workplace refrigerator where other workers store food, although it should be labeled with name and date."

Breast milk can also be stored in a personal cooler. If a refrigerator is not available for breast milk storage, a secure location, such as a locker or locked office, must be provided for women to store their personal coolers.



Related Policies

- Use of Personal Appliances - <https://saecommon.sccgov.org/countypolicy/Use-of-Personal-Appliances.pdf>
- Employee and Visitor ID Badges - <https://saecommon.sccgov.org/countypolicy/Employee-and-Visitor-ID-Badges.pdf>

Related Forms and Information

- Lactation Accommodation Guidelines - [\[url\]/sites/policies/FormsrelatedtoPolicies/LA/Lactation-Accommodation-Guidelines.pdf](#)
- Breastfeeding Welcome Here Sign - <http://www.sccgov.org/sites/sccphd/en-us/Partners/cdip/Breastfeeding-Promotion-Project/Documents/BreastfeedingWelcomeHere.pdf>
- County of Santa Clara Public Health Department - Worksite Lactation Accommodation Resources - <http://www.sccgov.org/sites/sccphd/en-us/Partners/cdip/Breastfeeding-Promotion-Project/Pages/Worksites.pdf>
- Lactation Accommodation Policy Brochure - [\[url\]/sites/policies/FormsrelatedtoPolicies/LA/Lactation-Accommodation-Policy-Brochure.pdf](#)
- Lactation Room Sign-Up Sheet - [\[url\]/sites/policies/FormsrelatedtoPolicies/LA/Lactation-Room-Sign-Up-Sheet.pdf](#)



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- Lactation Room Usage Log -
[url]/sites/policies/FormsrelatedtoPolicies/LA/Lactation-Room-Usage-Log.pdf
- Lactation Room Vacancy/Occupied Sign -
[url]/sites/policies/FormsrelatedtoPolicies/LA/Lactation-Room-Vacancy-Occupied-Sign.pdf
- Social Services Agency - Lactation Accommodation Directory -
https://ssaconnect.sccgov.org/AO/policies/ssa_lactation_accommodation_directory.pdf

History

Date	Changes Made
3/1/2017	Lactation Accommodation Guidelines Updated.
5/1/2015	Policy Uploaded. (Kyle Larson)