



SAN BENITO COUNTY BREASTFEEDING AND LACTATION

ACCOMMODATION POLICY

Purpose

To establish guidelines for compliance with the California Lactation Accommodation Law (Labor Code 1030-1033), Federal law (Fair Labor Standards Act Section 7(r)), and to promote breastfeeding behavior among San Benito County employees; the establishment of a work environment that encourages and supports continued lactation upon return to work from parental leave; and policies and practices in San Benito County that generate support and awareness of the importance of breastfeeding to community wellness that may serve as a model to other employers.

Background

In January 2002, the Lactation Accommodation Law (Labor Code 1030-1033) took effect in California requiring employers to provide a reasonable amount of break time and a private room for the employee to express/pump her breast milk. The designated space may not be a toilet stall.

Scientific research indicates that breastfeeding results in positive outcomes not only for the mother, infant and their family, but for the workplace, community and environment as well.

An infant who is breastfed has a lower risk of infectious disease, Sudden Infant Death Syndrome (SIDS), overweight/obesity, Type 1 and 2 diabetes, heart disease, hypertension, asthma, and certain types of cancer. A mother who breastfeeds has reduced risk of breast and ovarian cancer, Type 2 diabetes, and osteoporosis.

The workplace benefits by supporting expectant and breastfeeding employees because of less employee absenteeism and turnover, higher productivity, lower health care costs, faster return from maternity leave and improved employee morale and loyalty.

The community benefits from breastfeeding with a healthier population, with fewer medical interventions for acute childhood illness and associated financial and quality-of-life costs associated with decreased obesity, diabetes, and other chronic illnesses. Our environment benefits from breastfeeding because of the significant environmental costs associated with the manufacture, distribution and disposal of infant formula.



Policy

San Benito County (SBC) recognizes that breast milk is the optimal food for the growth and development of infants. SBC will support and encourage employees and management to have a positive, accepting attitude toward working women and breastfeeding.

SBC promotes and supports the practice of breastfeeding, and the expression of breast milk by employees who are breastfeeding when they return to work. Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

Procedure

Training:

- A working and breastfeeding educational pamphlet will be included in the new employee orientation packet. A review of this policy will be conducted during New Employee Orientation
- A breastfeeding education packet, including a copy of this policy and information about breastfeeding support after returning to work, shall be provided to employees prior to their maternity leave or Family medical leave for spouses.
- All employees will be given access to information/training on this accommodation policy.

Scheduling:

Employees shall be allowed a flexible schedule for pumping breast milk or feeding their infants during the workday. The time used to travel to and from the employee's work area to an adequate lactation space is not included in the calculation of break time. The time allowed 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 her time with either sick leave, vacation leave, or a flexed work schedule. At the request of an employee or a supervisor, particularly for employees with non-traditional work-sites, HR will be available to help design a break schedule and identify reasonable accommodations.

Facilities:

Employees shall be provided the use of a clean, comfortable space, "Lactation Area." If a designated Lactation area is not available, vacant offices or conference rooms are possible options. A restroom is not acceptable. The lactation area should be secure, equipped with an electrical outlet, be in close proximity to the employee's work area, and contain comfortable seating with a table or other flat surface to hold a breast pump. Windows should be covered. Ideally, the Lactation area should be near



a sink with hot water and soap for hand washing and cleaning of equipment and have access to a refrigerator for storage of expressed breast milk.

Managers, supervisors and employees may contact Human Resources (HR) if they desire assistance in identifying a lactation area in their location.

Compliance:

HR will be responsible for designating lactation areas. In remote and/or small facilities, HR will work with the employee and with management to ensure reasonable accommodations are made.

Managers and supervisors shall respond to any request for lactation accommodation in a manner consistent with the procedures outlined in this policy.

An employee has the right to file a complaint with HR for not being provided lactation accommodation space and break time. Any such complaint shall be resolved by the HR Director. A complaint filed on this policy is not subject to the rule 12 grievance procedure of the County Personnel rules.

Atmosphere of Tolerance:

Each San Benito County Department shall create an atmosphere of tolerance regarding lactation in the workplace. Breastfeeding shall not be a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a lactating employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of discrimination and/or harassment of a lactating employee will be addressed in accordance with County policies and procedures for discrimination and harassment.