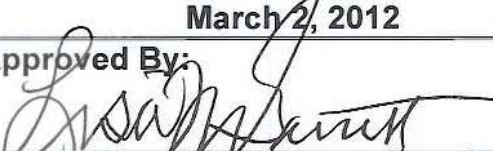




County of Los Angeles
Department of Human Resources
POLICIES, PROCEDURES, AND GUIDELINES

Subject: LACTATION ACCOMMODATION PROGRAM	Policy Number: 705	Pages: 4
	Effective Date: March 2, 2012	
	Approved By: 	

POLICY

All County departments must provide a reasonable amount of break time and make reasonable efforts to provide the use of appropriate space for employees who desire to express milk for their infant child during work hours.

GUIDELINES

The County of Los Angeles recognizes that breastmilk is the optimal food for growth and development of infants and encourages employees and management to have a positive accepting attitude toward employed mothers and breastfeeding. The County of Los Angeles promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work. Breastfeeding reduces serious acute and chronic diseases, including obesity. Healthier employees and babies mean fewer employee absences and lower health care costs.

1. Breaks

- a. A reasonable amount of break time must be provided to accommodate an employee desiring to express breastmilk in private for the employee's infant child.
- b. The lactation breaks can run concurrently with the employee's existing break periods.
- c. If it is not possible for the lactation break to run concurrently with the employee's existing break, a separate and unpaid break time must be made available for the employee.
- d. Covered employees may use earned accrued time to cover the unpaid break time. Managers, supervisors and employee may also agree, based on the needs of service, to adjust the employee's work schedule to cover the unpaid break time.
- e. Managers and supervisors must consult directly with their department's human resources office for assistance in complying with this policy.

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2. Space

- a. Managers and supervisors must make reasonable effort to designate a private room or location that is close to the employee's work area. The room may not be a bathroom stall. Consideration for designation of workplace spaces used for lactation accommodation includes, but is not limited to, the following:
 - i. A room equipped with an electrical outlet
 - ii. A room that contains comfortable seating
 - iii. A room that can be locked, if possible
 - iv. The employee's work area if it can be sufficiently made private
 - v. A room which can be arranged to be used by the lactating employee during specific times of the day
- b. Managers and supervisors who are unsure whether the designated space is appropriate must consult with the department's human resources office.

3. Non-traditional worksites

- a. For employees who work in a non-traditional worksite, the Return-to-Work Coordinator, managers and supervisors and employee shall enter into a good faith, interactive process to identify reasonable accommodations for the employee.

4. Notification

- a. This policy will be communicated to employees by:
 - i. All departments at new hire and transfer orientations
 - ii. FMLA Coordinators when an employee takes a pregnancy- or adoption-related leave
 - iii. Return-to-Work Coordinators when an employee returns from a pregnancy- or adoption-related leave

5. Lactation Break Request Procedure

- a. An employee who needs a lactation accommodation should inform her manager or direct supervisor and the department's Return-to-Work Coordinator and discuss any relevant workload or scheduling issues.
- b. Managers, supervisors and/or Return-to-Work Coordinators who receive a lactation accommodation request shall do the following:
 - i. Review designated lactation space in the County at http://hr.lacounty.gov/wps/portal/dhr/employee_benefits and/or other appropriate space within their department and prepare to provide appropriate nearby space and break time.

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- ii. If unable to locate appropriate space to meet an employee's request, contact the Department of Human Resources, Employee Benefits Division, Lactation Accommodation Program, for advice and assistance.
- iii. Return-to-Work Coordinators will complete the Lactation Accommodation Request form (with employee's signature), noting that the employee was notified of her rights. (Appendix "A")

6. Atmosphere of Tolerance

- a. Breastfeeding and lactation are promoted under County policy and shall not constitute a source of discrimination in employment or in access to employment. It is prohibited to harass a breastfeeding and/or lactating employee. Such conduct may unreasonably interfere with an employee's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding and/or lactating employee will be addressed in accordance with the County's policies and procedures.
- b. Non-compliance could result in citation and a civil penalty for each violation. The procedures for citations and civil penalties are provided for in state and federal laws.
- c. Any questions regarding this policy should be directed to the department's human resources manager or the Department of Human Resources, Employee Benefits Division, Lactation Accommodation Program at (213) 738-2266.

AUTHORITY

Board of Supervisors' Motion, November 17, 2009
Board of Supervisors' Motion, August 2, 2011
California Labor Code 1030 - 1033
California Labor Code 1197.1
Fair Employment and Housing Commission, (2010), Title 2, Sections 7291.2 - 7291.16
US Department of Labor, Wage and Hour Division, FLSA of 1938 Section 7(r), (29 U.S.C. 207)
US Surgeon General's Call to Action to Support Breastfeeding (2011)

DATE ISSUED/REVIEW DATE

Issue Date: September 14, 2011
Review Date: March 2, 2012

