

Lactation Break Policy

1045.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to Members desiring to express breast milk for the Member's infant child while at work.

1045.2 POLICY

It is the policy of the Department to provide, in compliance with the Fair Labor Standards Act and state law, reasonable break time, and appropriate facilities to accommodate any Member desiring to express breast milk for an infant child. A Member has a right to request a lactation accommodation in the workplace. This request should be done through the Member's immediate supervisor. If the supervisor determines the Department cannot meet the requirements listed within this policy, the supervisor shall in writing notify the Member. However, prior to doing so, supervisors shall in good faith with the Member attempt to identify reasonable accommodations. Members have the right to file a complaint with the State of California Labor Commissioner's Office for any violation of law governing lactation accommodation in the workplace.

1045.3 LACTATION BREAK TIME

A rest period should be permitted each time the Member has the need to express breast milk. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable.

However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the Member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030). The Member can either post earned accrued time, or at the supervisor's discretion, the Member can make-up the time.

A Member shall not be required to make-up any lost time due to time spent expressing breast milk.

Members desiring to take a lactation break shall notify Emergency Communications Bureau or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1045.4 PRIVATE LOCATION

The Department shall make reasonable efforts to accommodate Members with the use of an appropriate room or other location to express milk in private. Such room or place should be in

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close proximity to the Member's work area and shall be other than a bathroom. The location shall comply with the following requirements pursuant to Labor Code § 1031:

1. Be safe, clean, and free of hazardous materials.
2. Contain a surface to place a breast pump and personal items.
3. Contain a place to sit.
4. Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.
5. Access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, an employer may provide another cooling device suitable for storing milk, such as an employer-provided cooler.

The location must be shielded from view and free from intrusion from co-workers and the public.

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other Members should avoid interrupting a Member during an authorized break, except to announce an emergency or other urgent circumstance. If the designated area is used for multiple purposes, the use of the area for lactation shall take precedence for the time it is being used for that purpose.

Authorized lactation breaks for Members assigned to Patrol Operations may be taken at the nearest appropriate private area.

1045.5 STORAGE OF EXPRESSED MILK

Any Member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the Member's shift ends.