

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.23  
(ID # 12818)

MEETING DATE:  
Tuesday, June 30, 2020

**FROM :** HUMAN RESOURCES:

**SUBJECT:** HUMAN RESOURCES: Board Policy C-4 Lactation Accommodation for Employees,  
All Districts, [\$0].

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Review and adopt the attached Board Policy C-4 Lactation Accommodation for Employees

**ACTION:**Policy



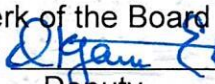
Brenda Diederichs, Assistant CEO / Human Resources Director 6/19/2020

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: June 30, 2020  
xc: HR

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 19/20</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

Lactation Breaks Under Federal Law

In 2010, the federal Affordable Care Act (often referred to as "ObamaCare") amended federal wage and hour laws to require employers to provide lactation breaks for new mothers. Employers that are subject to the Fair Labor Standards Act (as most employers are), must provide nursing employees with "reasonable" unpaid breaks to express breast milk, for up to one year after the birth of a child. These employers must provide nursing employees with a private place, other than a bathroom, that is protected from view or intrusion by coworkers or the public. The FLSA provides this break time only to hourly, non-exempt employees.

Lactation Breaks Under California Law

In 1998, the California legislature passed a resolution encouraging all California employers to accommodate the needs of breastfeeding employees by ensuring that employees would have adequate facilities for breastfeeding or expressing milk for their children. In 2002, the legislature enacted labor code laws to accomplish this goal, making it mandatory for all employers to provide breaks and other accommodations to all nursing employees. (Cal. Labor Code § § 1030-1033.)

California's Expansion of the Law

Effective January 1, 2020, Governor Newsom has made significant changes to the existing law. Here is a summary of the new requirements.

**Break Time "Each Time" Needed**

Current law provides that an employer must provide a reasonable amount of break time to allow employees to express breast milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. Such break time that does not run concurrently

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with authorized rest time under existing law is unpaid. The new law specifies that the break time shall be provided "each time such employee has need to express milk."

**Significant Expansion of Lactation Room Requirements**

Under the current law, employers are required to make reasonable efforts to provide employees with the use of a room or **location other than a bathroom** in close proximity to the employee's work area, for the employee to express breast milk in private. However, the new law enacts some significant new requirements related to lactation rooms.

First, the new law repeats that a lactation room shall not be a bathroom, and shall be in close proximity to the employee's work area. It adds the requirement that the room must be shielded from view and free from intrusion while the employee is lactating.

Second, the new law provides that a lactation room must:

- Be safe, clean, and free of hazardous materials, as defined;
- Contain a surface to place a breast pump and personal items;
- Contain a place to sit; and
- 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.

Third, the new law provides that an employer shall provide access to a sink with running water and a refrigerator suitable for storing milk (or another cooling device) in close proximity to the employee's workplace.

Fourth, the new law provides that, where a multipurpose room is used for lactation among other uses, the use of the room for lactation shall take precedence over the other uses, but only for the time it is being used for lactation purposes.

**Mandated Employer Lactation Policy**

The new law requires employers to develop and implement a policy regarding lactation accommodation, that includes:

- A statement about an employee's right to request lactation accommodation;
- The process by which the employee makes the request;
- An employer's obligation to respond to the request; and
- A statement about the employee's right to file a complaint with the Labor Commissioner for any violation of the law

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Conclusion

In addition to demonstrating the County's commitment to complying with the law, adoption of this policy will help ensure that all County employees have access to the same level of support regardless of their individual workplaces. It will educate and assist department managers and supervisors in understanding their roles and responsibilities, and in knowing exactly how to support an employee who returns from maternity leave and wants to continue breastfeeding. It is also important that prior to maternity leave, employees know what type of breastfeeding support they will receive so they are able to more easily decide whether to return to work after maternity leave.

**Impact on Residents and Businesses**

There is no impact on residents and businesses.

**Attachment**

Board Policy C-4 Lactation Accommodation for Employees

  
Brenda Diederichs, Assistant CEO / Human Resources Director

6/15/2020

  
Gregory L. Priamos, Director County Counsel

6/15/2020