

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Lactation Accommodation	Number: 22-46
	Effective Date: 10/17/2023
Departments Affected: All	Supersedes (Number/Date):
Authority: Section 2.82-A. Red Bluff City Code	File References: Approved: Approved by City Council on: 10/17/2023

Overview: The City of Red Bluff employees will be supported in breastfeeding by accommodating their need to express breast milk in the workplace in accordance with Federal and State law.

Applicable to: All employees

Guidelines: **Requests for Lactation Accommodation**
City of Red Bluff employees have a right to request a lactation accommodation to express breast milk for the employee’s own infant child. Expressing milk for another child, or for an organization to distribute are not considered rights under the law. A copy of this rule will be made available to all employees upon hire and when an employee makes an inquiry.

Employees must request a lactation accommodation from their Department Head or Human Resources. Upon receipt of the request for lactation accommodation, the supervisor or their designee shall work in conjunction with the employee to determine a suitable schedule and space to accommodate the employee. Human Resources will provide assistance with facilitating an Interactive Accommodation Process meeting to help reach a resolution which works for both the employee and the department.

Any agreed upon accommodation shall be forwarded to the Human Resources Department for placement in the employee’s medical file.

Lactation Spaces

Areas designated as lactation spaces shall meet the requirements of Federal and State lactation accommodation law. A reasonable effort will be taken to provide an employee with the use of a lactation space, room, or other location which is in close proximity to the employee’s work area. Lactation spaces must meet legal requirements and be available when needed. A bathroom is not an acceptable lactation space.

Areas designated as lactation spaces shall be safe, clean, comfortable, secure, private, and free from intrusion and hazardous materials. Lactation spaces shall be equipped with an electrical outlet or alternative devices, including, but not limited to extension cords or charging stations (needed to operate an electric or

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battery-powered breast pump), and contain a place to sit, and a table or other flat surface (not the floor) for a breast pump. The lactation space should be in close proximity to a sink with hot water and soap for hand washing and cleaning equipment, and refrigeration. If a refrigerator cannot be provided, another cooling device suitable for storing milk, such as a cooler, will be provided. Any employee storing expressed milk in any authorized refrigerated area within the City shall clearly label it as such.

Departments may comply with Federal and State law by designating a lactation space which is temporary, due to operational, financial, or space limitations. Temporary lactation spaces must meet the same requirements of the law as permanent locations. Department Heads and supervisors should keep in mind multipurpose rooms designated as temporary lactation spaces are meant to allow lactation accommodation to take precedence over other uses for the room.

Departments in a multi-tenant worksite may comply by providing a lactation space which is shared among multiple departments or divisions within the designated workspace.

Breaks

Whenever possible, the break period for a lactation accommodation should run concurrently with any break period already provided to the employee. In other words, employees should be utilizing their paid or unpaid break periods for lactation accommodations. However, lactating employees must be provided an accommodation each time they request a break period to express breast milk, regardless of their pre-scheduled break periods. A break period which does not run concurrently with any break period already provided to the employee will be unpaid.

Employees who are requesting a lactation accommodation may be provided time in excess of their regular paid or unpaid break periods. Any time used in excess of the employee's break periods will not be paid or considered part of an employee's regular work time. However, an employee may use sick leave, vacation leave, admin leave, ATO, paid time off, compensatory time off, or work a flexible schedule (with approval of the Department Head or designee) in order to make up the time in excess of their break period.

In situations where an employee has no available accrued leave, it is preferred employees work a flexible schedule. However, if not feasible or practical, an employee may be placed in non-paid status without any penalty.

Time used to travel to and from the employee's work location to a lactation space is not included in the calculation for tracking time spent on an actual break.

Employees have the right to file a complaint with the labor commissioner for any violation of rights under the California Labor Code regarding lactation accommodations.

References: Department of Labor - Fair Labor Standards Act; California Labor Code §1030-1034; SB 142.