




County of San Bernardino Department of Behavioral Health

INFORMATION NOTICE 12-01

Date: 01/06/2012

To: Department of Behavioral Health Staff

From: Allan Rawland, MSW, ACSW, Director 

Subject: Requirements for Lactation Accommodations

Introduction There has been an increased need to accommodate nursing mothers at the Department of Behavioral Health (DBH). This notice comes as a reminder that federal and state law requires accommodation for nursing mothers and DBH is working to fulfill these requirements in all facilities.

Requirements DBH Supervisors and Managers should make every attempt to provide reasonable accommodations when a specific room is not designated for expressing breast milk. The following locations can be used:

- A vacant office;
- A room which can be arranged to be used by the lactating employee during specific times of the day;
- A women's lounge area;
- A first aid room;
- A dressing room; or
- A cubicle with curtain (approval must be obtained by the Human Resources Officer).

Room/area must be made private by having a lock on the door, placing a message on the door that the room is in use, drawing blinds or curtains, covering curtain-less windows with paper if necessary, or setting up a portable partition to obstruct view and provide privacy.

Whenever possible, break time to express milk should coincide with the employee's paid break time. If not, the break time need not be paid. Employees requiring more than their allocated break time shall use accrued leave and if accrued leave is not available the employee's supervisor may consider allowing employee to adjust schedule by arriving early and/or staying late.

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Requirements (continued)

Note: Typically, a lactating woman would need to express breast milk about every 2-3 hours when she is away from her baby. Twenty to forty minutes is generally needed for each pump session. Women need time to set up and clean equipment as well as collect, label, and store milk.

Reasonable Accommodations

Although not required by law, the following accommodations are considered reasonable and necessary:

- A sanitary environment conducive to lactating.
 - Providing anti-microbial wipes;
 - Area must be free from distraction; and
 - A place other than the employee's personal office space, unless solely at the request of the employee.
 - A private refrigerator (if available) or allow the employee to bring in a personal size refrigerator to store milk.
 - If refrigerator is shared by other lactating mothers, require each employee to label all expressed milk with the employee's name and date collected to avoid inadvertently confusing with another employee's milk.
 - If a private or personal refrigerator is not available, provide a secure location in a shared refrigerator where the employee can store a personal cooler. The employee is highly recommended to bring a personal storage container such as a cooler or ice chest and secure the storage container with a lock to prevent access to the expressed milk.
 - Access to an electrical outlet for employees who use an electric pump to express milk.
 - A comfortable chair (Should be more than a hard folding chair).
 - A small area or table for pumping supplies.
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Requirements of the Employee

Employees are required to:

- Communicate with Supervisor: Keep supervisor informed of needs by providing schedule times and amount of time needed for each session so that appropriate accommodations can be made to satisfy the needs of both employee and employer.
 - Maintain the Milk Expression Area: Keep area clean using anti-microbial wipe and maintain the general lactation room for the next user.
 - Follow Milk Storage Requirements and Guidelines: If milk is stored in a shared location by other lactating mothers, the employee is to label expressed milk with her name and date collected. If milk is stored in a refrigerator used by others in the unit, the employee is to store expressed milk in a secure personal storage container such as a cooler or ice chest. Employees are encouraged to secure the storage container with a lock to avoid providing others access to the expressed milk.
 - Use of Break Times to Express Milk: When operational requirements permit, the employee must use her paid break time to express milk.
 - Coordinate Schedule with Other Mothers Expressing Milk: When there are multiple users of a designated area, employees must negotiate milk expression times that are most convenient or best meet each employee's needs.
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Additional Considerations

Please consider facility requirements (e.g. if space in DBH is leased or rented, the agreement may prevent DBH from accommodating the electrical needs of pumping equipment or personal refrigerators).

Discuss any accommodation request not covered in this notice with the Human Resources Officer (HRO) prior to accepting or declining the request.

Questions

For questions or concerns, please contact the Human Resources Officer at (909) 382-3021 or via [email](#).

References

- California Labor Code Ch. 3.8, Sections 1030-1034
 - Fair Labor Standards Act (FLSA) Section 7
 - [Minimum Requirements of the California Lactation Accommodation Law](#)
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