

Lactation Break Policy

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC 207 and Labor Code 1030-1032). This policy applies to all department employees.

319.2 AUTHORITY AND REFERENCES

- Executive Committee;
- Title 29 United States Code Chapter 8 - Fair Labor Standards § 207;
- California Labor Code §§ 1030-1032;
- The Fair Labor Standards Act of 1938 (FLSA)

319.3 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC 207 and Labor Code 1030).

319.4 LACTATION BREAK TIME

A break period should be permitted each time the employee has the need to express breast milk (29 USC 207). 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 employee's regularly scheduled breaks 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).

Employees desiring to take a lactation break shall notify 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.

319.5 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The

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location must be shielded from view and free from intrusion from co-workers and the public (29 USC 207 and Labor Code 1031).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

319.6 STORAGE OF EXPRESSED MILK

Any employee discreetly storing expressed milk in any authorized refrigerated area within the Department shall clearly label it and shall remove it when the employee ends her shift.

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