



## REPORT TO CITY COUNCIL

**Approved by:**

Wendy Silva  
Wendy Silva, Director of Human Resources

Arnoldo Rodriguez  
Arnoldo Rodriguez, City Manager

**Council Meeting of:** May 20, 2020

**Agenda Number:** B-4

**SUBJECT:**

Administrative Policy on Lactation Breaks

**RECOMMENDATION:**

Adopt a Minute Order Approving an Administrative Policy on Lactation Break Time and Location

**SUMMARY:**

Senate Bill (SB) 142 requires employers to provide employees with lactation breaks. The City of Madera (City) has accommodated mothers and supported their breastfeeding journey, however the City does not have a formal policy. To comply with SB 142, staff has drafted a formal Administrative Policy on Lactation Break Time and Location. Even with a formal policy, it should be noted that every individual's experience with breastfeeding and breast milk expression is different, necessitating open communication and reasonable flexibility in the application of this policy.

**DISCUSSION:**

Effective January 1, 2020, SB 142 requires all employers to provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk. The City has accommodated lactating mothers for many years, however SB 142 requires a formal written policy be in place. Staff has drafted an Administrative Policy in accordance with SB 142 requirements.

The policy includes the following information:

- Employees that have a need to express breast milk will be provided with a reasonable amount of break time. Employees shall advise their supervisor of the need for lactation breaktime prior to returning to work to ensure the City has the opportunity to provide a supportive environment.

- If an employee needs to take a lactation break at times other than their provided break times, the lactation break shall be unpaid, or employee make choose to use accrued leave. Alternatively, employees may request an adjustment to their work schedule to off-set the increased break time.
- The City will provide a lactation location in close proximity to employee’s worksite that is not a bathroom to express milk in private. The room or location will meet the following criteria:
  - Be shielded from view and free from intrusion while being used to express milk.
  - Be safe, clean, and free of hazardous materials.
  - Contain a surface on which to place a breast pump or personal items.
  - Contain a place to sit.
  - Have access to an electrical outlet needed to operate a breast pump.
- Employees will have access to a sink with running water, and a refrigerator or other cooling device suitable for storing milk will be provided.

The policy was provided to all bargaining units for comment; no response was received.

**FINANCIAL IMPACT:**

None.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

Adoption of this policy is not addressed in the vision or action plan; the requested action is also not in conflict with any of the actions or goals contained in that plan.

**ATTACHMENTS:**

1. Administrative Policy on Lactation Break Time and Location

<b>CITY OF MADERA Administrative Policy</b>	<b>Policy No.</b>
	<b>Date Adopted:</b>
	<b>Date(s) Revised:</b>
<b>Subject: Lactation Break Time and Location</b>	

## Introduction

Effective January 1, 2020, Senate Bill 142 requires the City of Madera (City) to provide a reasonable amount of break time to accommodate any employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk under the following conditions. The City recognizes that every individual's experience with breastfeeding and breast milk expression is different, necessitating open communication and reasonable flexibility in the application of this policy.

## Procedures and Responsibilities

### Lactation Break Time

- Prior to the need for lactation break time, the employee shall advise their supervisor of their anticipated break schedule to support breastfeeding and breast milk expression. Such notification should include the anticipated frequency and duration of lactation breaks. The purpose of prior notification is to ensure the City has the opportunity to provide a supportive environment upon return-to-work. The Supervisor shall advise the employer of the lactation location that will be made available to the employee.
- The break time shall, if possible, run concurrently with any break time already provided to the employee.
- If the employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid, or the employee may choose to use accrued leave. An employee may also request in writing to modify scheduled work hours to allow for additional break times, however such requests will require written approval in advance from the Department Director and the proposed schedule must be supportive of the provision of core City services.
  - Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such break. Such notification shall be in writing (email is acceptable) and provided with as much advance notice as is practicable.
  - Breaks may be reasonably delayed if they would seriously disrupt operations.
  - Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### Lactation Location

- The City of Madera (City) will provide a room or other location in close proximity to the employee's worksite that is not in a bathroom to express milk in private. The room or location will meet the following requirements:
  - Be shielded from view and free from intrusion while being used to express milk;
  - Be safe, clean, and free of hazardous materials;
  - Contain a surface on which to place a breast pump and personal items;
  - Contain a place to sit; and
  - Have access to an electrical outlet needed to operate a breast pump.
- An employee occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed.
- The City will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk, in close proximity to the employee's work area. Such facility may not be in the same room as the lactation location, but will be within a reasonable distance to ensure proper hygiene and storage of expressed milk.

### Additional Guidelines

- All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.