



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: November 10, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Maria Elena De Guevara, Human Resources Director
Director(s) 568-2816
Contact Info: Robert Clark, Employee Relations Manager
568-2829
SUBJECT: Breastfeeding Friendly Workplace and Lactation Accommodation Policy

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Approve the revised Breastfeeding Friendly Workplace and Lactation Accommodation Policy as set forth in Attachment A, and
- B. Determine that the above action is an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

The County has provided a breastfeeding and lactation friendly workplace for its employees since 2000. In 2002 the California Lactation Accommodation Law took effect, requiring employers to provide break time and a location for employees wishing to express milk. In 2008 the Orfalea Foundation provided funding for the County to establish lactation rooms for employees throughout the County. On October 7, 2008 the Board of Supervisors approved the County of Santa Barbara Breastfeeding Friendly Workplace Policy which provides guidelines for departments to follow to comply with the California Lactation Accommodation Law. The policy ensures that an employee's choice to breastfeed or express breast milk is respected, and promotes an atmosphere of tolerance and support for those who choose to do so.

On October 10, 2019 the Governor signed Senate Bill 142 which revised the California Lactation Accommodation Law effective January 1, 2020 to provide prescribed features for lactation rooms, to clarify the break time requirements, and to prohibit discrimination against employees who exercise their rights under the law. The proposed revised policy in Attachment A updates the existing policy to conform with the provisions in SB 142.

Background:

The 2002 State law required employers to provide a reasonable amount of break time to employees desiring to express milk for the employee's infant child. The law also required an employer to make reasonable efforts to provide the employee with the use of a room, or other location, other than a bathroom, in close proximity to the employee's work area, for the employee to express milk in private.

SB 142 instead requires an employer to provide a lactation room or location that includes prescribed features, and requires an employer, among other things, to provide access to a sink and cooling device in close proximity to the employee's workspace. The bill deems denial of reasonable break time or adequate space to express milk as a failure to provide a rest period in accordance with state law. The bill prohibits an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions. It also requires an employer to develop and implement a policy regarding lactation accommodation and make it available to employees.

Among other things, SB 142 requires that:

- Employers shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk which, if possible, shall run concurrently with any break time already provided to the employee.
- Break time for an employee that does not run concurrently with the rest time authorized for the employee shall be unpaid.
- A lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
- It shall be safe, clean, and free of hazardous materials.
- It shall contain a surface to place a breast pump and personal items and a place to sit.
- It shall 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, and
- The employer shall provide access to a sink with running water and a cooling device suitable for storing milk in close proximity to the employee's workspace.

This proposed revised policy was circulated to all recognized employee organizations for review and comment. None of them objected to the policy as proposed.

Fiscal and Facilities Impacts:

Budgeted: The revised policy does not increase budget impacts.

Fiscal Analysis:

N/A

Attachments:

Attachment A: Proposed Revised County of Santa Barbara Breastfeeding Friendly Workplace
and Lactation Accommodation Policy

Attachment B: Lactation Accommodation Request Form

Attachment C: Poster-Public Health

Attachment D: Poster-General

Authored by: Robert Clark, Employee Relations Manager, and
Meg Beard, Breastfeeding Coordinator

cc: Mona Miyasato, County Executive Officer
Betsy Schaffer, Auditor Controller
Michael Ghizzoni, County Counsel