

# City of Mission Viejo Personnel Policy

**Subject:** LACTATION ACCOMMODATION

**Statement of Intent:**

To provide guidelines for administering the City's lactation accommodation policy in accordance with applicable federal, state, and local laws, regulations, and ordinances.

**Background:**

Recognizing that breast milk promotes optimum growth and development of infants, the City accommodates mothers who choose to continue breastfeeding after returning to work.

**Policy:**

1. The City will provide a reasonable amount of break time to accommodate an employee desiring to express milk.
2. The break time shall, if possible, run concurrently with any break time already provided to the employee as defined in the Hours of Work policy. Break time for an employee that does not run concurrently with the break time authorized for the employee under the Hours of Work policy shall be unpaid unless funded by the use of Comprehensive Annual Leave.
3. Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. 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.
4. Supervisors are encouraged to consider flexible schedules to accommodate employee's needs, however, the needs of the City shall be considered first. A proposed flexible schedule must be in writing and approved by the City Manager, or a designee, before it is implemented.
5. The City will provide a room or other appropriate location in reasonable 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 securable so as to be 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 electricity needed to operate an electric non-battery powered breast pump.
6. An employee occupying such private area shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.
7. The City will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk, in reasonable proximity to the employee's work area.

8. To all extents possible, the City will ensure that employees are aware of these workplace accommodations prior to maternity leave.
9. The employee is responsible for communicating their need for this accommodation to their immediate supervisor or a member of the Human Resources Division. The employee will be asked to acknowledge that the employee's need for privacy will be reasonably communicated to coworkers, unless the employee requests no notice be given. If no notice is given, reasonable efforts will be made to avoid interruption during a lactation session.

**Administration:**

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed not to have a direct financial impact on the City. The City Manager may implement and amend this policy subject to prior City Attorney legal review and approval, and City Council review.

Implemented: By City Manager – August 15, 2011. (Reviewed by City Council – August 15, 2011 – Resolution No. 11-52.)

Revised: February 23, 2021. (Reviewed by City Council – February 23, 2021 – Resolution No. 21-04.)