

## Health and Human Services Accommodations for Employee Lactation Support

The Administration of the Social Service and Public Health Departments will reasonably attempt to provide comfortable, private areas (other than a bathroom), to accommodate employees who choose to nurse/pump/express breast milk to provide for their nursing child. Our goal is to help facilitate that process here in the office, yet at the same time, acknowledge the space issues of this facility. Each employee can choose what accommodations are best for their situation and are not required to use the appointed lactation room. At the end of this document are the MN Statute (2007) and Federal law regarding Breastfeeding Mothers [Section 7 of the Fair Labor Standards Act (FLSA) which was amended under the Patient Protection and Affordable Care Act (PPACA) which was signed into law on March 23, 2010].

It is also acknowledged that considerations were given to locations that are:

- \* Private
- \* Convenient
- \* Comfortable
- \* Accessible to an electrical outlet
- \* Accessible to a sink/running water

Within these parameters, noting the possible need for a private area for more than one (1) employee at a time, these locations will be made available on a “first-come” basis, in descending order of priority, and each option must be attempted as follows:

### Health & Human Services Building:

1. Exam Room just off the Large Meeting Room on the upper level. This room is used for WIC the first week of every month (sink, desk, chair).
2. Small Child Protection Interviewing Room (no sink; chair, table, shade/curtain).
3. Exam Room inside PHNS office. This room is also used for intake, administering immunizations, Healthy Teeth and all other procedures performed by the nurses. It has a sign out white board that can be completed with the anticipated time that the person will be done in the room (sink, desk, chair).
4. Employees with a private or semi-private office may use their own office instead of the above options if they feel it provides a private and comfortable environment, and does not impact the work of co-workers.

If none of the above locations are available:

5. Social Service Director’s office or Public Health Director’s office (no sinks; chair, table; we will temporarily leave for you).
6. Supervisor’s Offices (no sinks; chair, desk; we will temporarily leave for you).

Administration will do whatever it can to reasonably accommodate all employees in the worksites, and hesitates to demonstrate that any one area will be used for the exclusive purposes of any one group of employees.

PHNS employs an International Board-Certified Lactation Consultant (IBCLC) and several Certified Lactation Counselors (CLC) who feel in their professional opinion that although every nursing mother

may have individual needs and circumstances, for the majority of nursing mothers it would be sufficient to pump once every three to four hours for approximately 15 minutes per session, This could be accomplished during the morning, lunch and afternoon break times. According to state and federal law, an employer is not required to provide compensation for break times taken for this purpose. If an employee needs additional time or an alternative schedule, she may discuss these issues with her supervisor and determine if a flexible work schedule is an option.

### 2007 Minnesota Statute

#### 181.939 Nursing Mothers

*An employer must provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this section if to do so would unduly disrupt the operations of the employer. The employer must make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in privacy. The employer would be held harmless if reasonable effort has been made. For the purposes of this section, "employer" means a person or entity that employs one or more employees and includes the state and its political subdivisions.*

History: 1998c369 s 1

Accessed from: <https://www.revisor.leg.state.mn.us/statutes/?id=181.939>

### 2010 Federal Law: Patient Protection and Affordable Care Act

1217

HR 3590 EAS/PP

SEC. 4207. REASONABLE BREAK TIME FOR NURSING MOTHERS.

Section 7 of the Fair Labor Standards Act of 1938

(29 U.S.C. 207) is amended by adding at the end the following:

"(r)(1) An employer shall provide—

(A) a reasonable break time for an employee to express breast milk for her nursing child

for 1 year after the child's birth each time such employee has need to express the milk; and

(B) a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

"(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

"(3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

"(4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection."

Accessed from: <http://azdhs.gov/phs/bnp/gobreastmilk/documents/Section%204207.pdf>

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