

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES		
Policy: 02-13	Page 1 of 3	
NURSING EMPLOYEE POLICY		
<p>RATIONALE: The Utah Department of Health and Human Services supports employees by promoting the healthy development of their infants. As a result, DHHS promotes the availability of accommodations for those electing to nurse their infants.</p> <p><i>Related Policies, Applicable Standards, Statutes:</i> Utah State Department of Human Resource Management (DHRM) Administrative Rule R477-8-3(2) ; Utah State Department of Human Resource Management (DHRM) Administrative Rule R477-8.3(5); Federal Health Care Reform Act, Section 4207S. The law amends the Fair Labor Standards Act (FLSA) of 1938 (29 U.S. Code 207) to require an employer to provide reasonable break time for an employee; UCA 34-49-202: Index Utah Code Title 34 Labor in General Chapter 49 Nursing Mothers in the Workplace Part 2, Breastfeeding in the Workplace Section 202 Reasonable breaks and private room required. <i>(Effective 5/10/2016) HB 242 (2015) State and Local Government Employee Policies; HB 105 (2015) Anti Discrimination Modifications; HB 196 (2018) Breastfeeding Protection Act , Fairness for Breastfeeding Mothers Act 2019 HR 866 Public Law No. 116-30, The PUMP for Nursing Mothers Act – S. 1658/H.R. 311</i></p>		
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I. DESCRIPTION

The Utah Department of Health and Human Services shall provide accommodations for employees electing to nurse their infants. This policy supersedes any previous department policy governing this subject matter. It does not supplant any existing federal, state, or department laws/policies to which the department shall adhere.

II. DEFINITIONS

The following terms are defined for this policy as:

- A. **DHHS or department:** The Utah Department of Health and Human Services and any operational unit within.
- B. **DHRM:** Division of Human Resource Management within the Department of Government Operations.

III. POLICY

- A. DHHS provides accommodations to individuals choosing to nurse their children, regardless of benefit status or hybrid work eligibility, as defined in DHHS Policy 02-19.
- B. In addition to breaks provided according to DHRM Rule 477-8-3(2), reasonable break periods, as requested by the employee to their direct supervisor in verbal or written form, shall be granted for the employee to express breast milk or breastfeed for up to one year from their child's birth.
- C. DHHS shall provide the following accommodations for employees who are nursing their children:
 - 1. At each DHHS facility, the department shall provide:
 - a) A designated, clean, sanitary and private room, not a bathroom, with a locked door that is shielded from view and free from intrusion by co-workers and the public;
 - b) A table or countertop;
 - c) A chair;
 - d) An electrical outlet;
 - e) Refrigerator access (clean and well-maintained); and
 - f) Microbiological wipes or cleaner.
 - 2. DHHS may provide the following to support breastfeeding:
 - a) Upon request to the Women, Infants and Children (WIC) program at 801-273-2991 or WIC@utah.gov, provide a hospital-grade electric breast pump for use during work hours. As a multi-user pump, it is the user's responsibility to bring the required accessories, such as tubing and collection bottles;
 - b) Provide a sink in the designated room or locate a room close to a sink;
 - c) Permit breastfeeding employees to store expressed milk:
 - 1) In a break room refrigerator or a designated refrigerator; and
 - 2) With appropriately labeled containers.

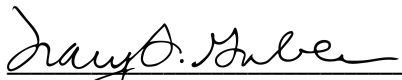
- d) Provide a non-electric insulated container for storage of breast milk; or
 - e) Provide prenatal and postpartum breastfeeding information, educational materials, and resources.
3. When applicable, employees may use their own private office or other locations that meet the above criteria with supervisor approval.

IV. PROCEDURE

- A. DHHS shall provide written notice of this policy which shall be included in an employee handbook or posted in a conspicuous place in all DHHS facilities.

V. EXCEPTIONS

- A. The executive director may make exceptions to this policy, in accordance with procedures outlined in DHHS Policy 01-01.



Tracy S. Gruber
Executive Director

April 8, 2024

Date