



ADMINISTRATIVE POLICIES

SECTION: 300 – Human Resources	POLICY#: 303
TITLE: Expression of Milk in the Workplace	R & O #: 20-11
	IMPLEMENTED BY PROCEDURE #: N/A
SPONSORING DEPT/DIV: Support Services/Human Resources	
ADOPTED: 01/07/2020	REVIEWED: 01/07/2020

PURPOSE: The purpose of this policy is to provide definition and procedures for providing a private location and reasonable rest periods to lactating employees for the purposes of expressing milk.

AUTHORITY: The policy is in accordance with the Fair Labor Standards Act (FLSA), Oregon Administrative Rules (OAR 839-020-0051) and Oregon Revised Statutes (ORS 653.077).

DEFINITIONS:

1. **Reasonable efforts:** efforts that do not impose an undue hardship on the operation of the business of Washington County.
2. **Undue hardship:** significant difficulty or expense when considered in relation to size, financial resources, nature or structure of the business of Washington County.
3. **Expression of milk:** initiation of lactation by manual or mechanical means; does not include breastfeeding.
4. **Private location:** a location, other than a public restroom or toilet stall, in close proximity to the employee’s work area, concealed from view, and without intrusion by other employees or the public.
5. **Reasonable rest period:** A reasonable amount of time, as frequently as needed, to express milk.
6. **Close proximity:** within a short walking distance from the employee’s work area and does not appreciably shorten the rest or meal period.

GENERAL POLICY: Washington County supports breastfeeding employees in the workplace. This policy provides for rest periods and a private location to lactating employees for the purpose of expressing breastmilk.

APPLICABILITY: This policy applies to all Washington County employees.

POLICY GUIDELINES:

1. Notification by employee:

- 1.1. The employee shall provide reasonable notice (verbal or written) to their supervisor of the intention to express milk during the work day which will require arrangements to be made regarding a private location and a modification to work schedules to accommodate the need to express breast milk.
- 1.2. The notice will allow time for the supervisor to make necessary preparations for the employee prior to their return to work following the welcoming of a new infant.

2. Response to Notification:

- 2.1. Upon notification from the employee, the supervisor will provide and make available a private location in close proximity to the employee's work area for the employee to express breastmilk.
- 2.2. The location must be concealed from view and without intrusion by other employees or the public.

3. Rest Periods:

- 3.1. A reasonable rest period of time will be provided to the employee each time the employee has the need to express milk.
- 3.2. If feasible, the employee shall take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee.
- 3.3. Rest periods used by the employee to express milk will be treated as paid rest periods, up to the amount of paid time allowed to other employees for rest periods.
- 3.4. If an employee takes unpaid rest time in addition to the paid time allowed, the supervisor may allow the employee to work before or after their normal shift or may allow the employee to use applicable accrued paid leave to make up the amount of time used during the unpaid portion of the rest periods.

4. Storage of Expressed Milk:

- 4.1. The employee is responsible for storing expressed milk.
- 4.2. The employee may bring a cooler or other insulated food container to work for storing expressed milk.

5. Unique Circumstances:

- 5.1. Individual circumstances may exist that would allow for provisions beyond what this policy provides, including the frequency and duration of rest periods required by the nursing mother.

- 5.2. In those circumstances, the County will allow the employee all provisions required by law.
- 5.3. Temporary work-duty reassignment may be an option in circumstances where the expression of milk is unallowable due to current work duties. Examples include positions that require high physical activity, a constrictive uniform, or significant travel away from a consistent work station. In these cases, the supervisor should consult with Human Resources to determine work arrangements for the employee.
- 5.4. In cases where additional interpretation of this policy is required, the Chief Human Resources Officer shall make the final determination.

6. Education, Support, and Resources:

- 6.1. General information and limited individual lactation support are available through the Washington County Public Health Lactation Consultant.
- 6.2. More comprehensive prenatal and breastfeeding support may be offered by health benefit providers with whom Washington County currently contracts.

7. Accommodation for Non-Employees:

- 7.1. Contractors, visitors, clients and the public may use pre-identified spaces available for milk expression as needed.
- 7.2. Locations should be accessible to the public in non-restricted areas to ensure compliance with privacy laws.

RESPONSIBILITIES: The Human Resources Division is responsible for working collaboratively with Directors, managers, and supervisors to develop Administrative Procedures to implement this policy.

EXCEPTIONS: Exceptions may only be granted by the Washington County Board of Commissioners unless such authority has been delegated to the County Administrator.

DISTRIBUTION: This policy shall be disseminated to all managers, supervisors and employees of Washington County. Any questions, concerns, or comments related to this policy should be directed to the Chief Human Resources Officer or his/her designee.

IMPLEMENTATION: Elected officials and department directors are expected to be knowledgeable of, and shall be responsible for, implementing this policy within their respective departments. Observance of this policy is mandatory for all County employees and violation may result in disciplinary action (up to and including termination).

PERIODIC REVIEW: This policy shall be reviewed by Support Services, Human Resources Division at least every three years, or more often if needed, and updated as necessary.