

# Lactation Accommodation Policy

Bulletin Number: 2011- 0006  
Issue Date: June 29, 2015

## PURPOSE AND OVERVIEW

Under the Fair Labor Standards Act, 29 U.S.C. §207(r), the County is required to provide a reasonable break time for an employee to express milk for her nursing child for one year after the child's birth, each time the employee needs to express milk. The County is also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Beyond the legal requirements, research shows that lactation accommodation at work can lower medical costs for the woman and child, lower absenteeism, improve productivity and raise employee morale and organizational loyalty.

This policy applies to all King County executive branch employees.

## PROCEDURES

This policy provides details on the following:

1. A reasonable amount of time to express milk (lactation time)
2. Private and secure rooms to express milk (lactation rooms)
3. Responsibilities of employees, supervisors and human resources staff
4. Education and support
5. The prohibition against discrimination and retaliation
6. Training

### 1. A Reasonable Amount of Time to Express Milk (Lactation Time)

Managers and supervisors must provide an employee a reasonable amount of time, as frequently as needed, to express milk during the workday. The frequency of breaks and the duration of each break vary widely by individual and from break to break. Typically women need to express milk about every three hours, or two to three times during the work day, and duration will likely vary. Lactation time includes time travelling to the space, setting up equipment, expressing milk, properly storing milk, cleaning equipment, and returning to work.

Non-exempt employees may use their paid break periods and/or accrued leave for time needed to express milk during the workday; employees will not be paid for time beyond the paid break periods prescribed in the Personnel Guidelines.

FLSA-exempt employees may express milk during the workday.

Nursing mothers may request a flexible work schedule, subject to approval by the manager or supervisor, to address their individual needs, e.g., the meal break may be temporarily modified or the beginning and/or ending of the work day may be temporarily adjusted. Alternate work arrangements should be documented in writing between the employee and supervisor, with human resource representative participation.

## 2. Private and Secure Rooms to Express Milk (Lactation Rooms)

Designated lactation rooms are available at some King County worksites. A list of designated lactation rooms and scheduling information can be found at:

<http://www.kingcounty.gov/audience/employees/healthy-incentives/stress-less-at-work/wellness-and-lactation-rooms.aspx>

Employees in work locations that do not have a designated lactation room should arrange with their supervisor and Human Resources Service Delivery Manager (HRSDM) to identify a location to be used as a lactation room.

Lactation rooms must be:

- private (if the room has windows, drapes or blinds are required);
- free from intrusion from coworkers and the public;
- functional (comfortable seating, a table, and power outlets); and

Although not required, when possible, the lactation room should also:

- be near a sink with hot water and soap for hand washing and equipment cleaning;
- be near a refrigerator for storage of expressed breast milk;
- be lockable from the inside; and
- located close to the employee's work area.

A bathroom, even if private, is not a permissible location by law.

## 3. Responsibilities of Employees, Supervisors and Human Resources Staff

### *Employees*

Any necessary equipment (breast pump, storage containers, etc.) should be securely stored at the employee's workstation or at another storage area designated by management. These personal items should not be stored in a county lactation room, unless management designates the lactation room as the appropriate storage location.

Employees using designated lactation rooms must observe all posted guidelines, such as signup sheets, cleanup procedures, hours of availability, security guidelines, or other relevant guidelines.

### *Supervisors*

Supervisors must work with employees and the human resources staff to find a suitable lactation room and lactation time, as described above. A positive, accepting attitude from management helps nursing mothers feel confident in their ability to continue working while breastfeeding.

### *Human Resources Staff*

Human Resources Service Delivery Managers are responsible for working with supervisors and the employee to find a suitable lactation room and lactation time, as described above.

#### 4. Education and Support

Employees have access to additional support and education for breastfeeding through the following resources:

- a. Your healthcare benefits may cover breastfeeding-related resources and services, such as a breast pump. For specific information contact your health plan or Benefits Payroll and Retirement Operations at 206-684-1556 or [kc.benefits@kingcounty.gov](mailto:kc.benefits@kingcounty.gov).
- b. King County's Healthy Incentives program website offers additional information to support breastfeeding employees, including links to community resources at: <http://www.kingcounty.gov/audience/employees/healthy-incentives/stress-less-at-work/wellness-and-lactation-rooms.aspx>

#### 5. The Prohibition Against Discrimination and Retaliation

King County is committed to supporting its employees who are nursing mothers, and does not tolerate discrimination or retaliation. Nursing mothers who express milk during the workday are protected from discrimination for doing so. Additionally, nursing mothers are protected from retaliation for filing a claim of discrimination. Discrimination and/or retaliation are misconduct in violation of this policy and an employee engaging in such activity may be subject to discipline, up to and including termination.

Any county employee who experiences or witnesses what may be discrimination or retaliation toward a nursing mother, is strongly encouraged to address it by asking the person to stop the behavior; and/or reporting the alleged incident to the immediate supervisor, to any other member of management within the agency, agency Human Resources, or to the Human Resources Division.

#### 6. Training

- King County's *Lactation Accommodation Policy* shall be disseminated to every agency via human resources personnel.
- When a human resources professional is aware of an employee preparing for an approaching child birth or maternity leave, this policy shall be provided to the employee.

In the event a provision in a collective bargaining agreement is more generous than this policy, the collective bargaining agreement shall apply.

#### QUESTIONS/COMMENTS

Refer all questions or comments to HR Central at [hrcentral@kingcounty.gov](mailto:hrcentral@kingcounty.gov).