

## NORTHCARE NETWORK

<b>POLICY TITLE:</b> Break Time for Nursing Mothers	<b>CATEGORY:</b> Personnel	
<b>EFFECTIVE DATE:</b> 1/1/15	<b>BOARD APPROVAL DATE:</b> 1/14/15 retro to 1/1/15	
<b>REVIEW DATE:</b> 10/28/22	<b>REVISION(S) TO POLICY STATEMENT:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> HR Coordinator	<b>CEO APPROVAL DATE:</b> 12/6/22 Dr. Tim Kangas, CEO	

### **APPLIES TO**

NorthCare Network Personnel

### **POLICY**

NorthCare Network will provide a supportive environment to enable nursing mothers “reasonable break times” and private, non-restroom locations, to express their milk during the workday for the first year of their child’s birth.

### **PURPOSE**

The Patient Protection and Affordable Care Act (“PPACA”), signed into law on March 23, 2010 (P.L. 111-148), amended Section 7 of the FLSA, to provide a break time requirement for nursing mothers.

Employers are required to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk. Employers are 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.

### **DEFINITIONS**

1. ***NorthCare Network Personnel*** – employed on a full- or part-time basis, students, volunteers, interns and Board Members.
2. ***NorthCare Network Break*** - a fifteen (15) minute compensated break for every four (4) hours of work

### **REFERENCES**

- FLSA, Section 7(r)(as amended by the Affordable Care Act, P.L. 111-148)
- State Breastfeeding Laws
- WHD Fact Sheet #73, Break Time for Nursing Mothers under the FLSA
- NorthCare Network Working Hours Policy
- NorthCare Network Paid Time Off (PTO) Policy

## **HISTORY**

NEW POLICY 1/1/15

REVISION DATE: 9/22/16, 5/14/18, 3/21/19, 2/18/20

REVIEW DATE: 1/6/15, 11/20/15, 9/22/16, 7/14/17, 5/14/18, 3/21/19, 2/18/20, 12/23/20, 1/27/22, 10/28/22

CEO APPROVAL DATE: 1/6/15, 12/1/15, 10/4/16, 8/1/17, 6/5/18, 4/1/19, 2/26/20, 1/5/21, 2/1/22, 12/6/22

BOARD APPROVAL DATE: 1/14/15

## **PROCEDURES**

NorthCare Network is not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, since NorthCare Network already provides a fifteen-minute compensated break for every four (4) hours worked, an employee who utilizes that break time to express milk will be compensated in the same way that other employees are compensated for break time. In addition, the FLSA's general requirement that the employee must be completely relieved from duty or else the time must be compensated as work time applies.

All NorthCare Network staff are responsible for being aware of the policy and working with co-workers to arrange mutually convenient lactation break times.

NorthCare Network will support nursing mothers who choose to continue providing milk for their infants after returning to work and who require assistance while in the workplace. In support of this choice, the employee shall be provided:

### **Lactation Breaks**

Nursing mothers can express milk during work hours using their normal breaks and mealtimes. Additional unpaid time, as frequently as needed by the nursing mother, will also be provided for the first year after the birth of their child.

For non-exempt employee's time required for lactation breaks is considered non-compensable under the Fair Labor Standards Act. Employees in this category may utilize the following options to make up the time:

1. Use a designated lunch period as a lactation break.
2. Use a designated compensated break period (if applicable)
3. Work schedule may be adjusted with approval of the CEO within the work week to make up the time.
4. Use their paid time off (PTO) pursuant to the PTO policy.
5. May opt for leave without pay for the time used.

### **A Designated, Private Space to Express Milk**

A private room or space (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk. The private room/space will be free from intrusion, sanitary, located near a sink with running water and have an electrical outlet. If an employee prefers, she may also breastfeed or express milk in her own private office or in other private locations agreed upon in consultation with the Human Resources Coordinator. Since availability of office space varies, employees requesting a private location to breastfeed, or express milk should contact the Human Resources Coordinator.

## **EMPLOYEE RESPONSIBILITIES**

### **Communication with CEO**

Employees who wish to express milk during the work period shall inform the CEO and/or the Human Resources Coordinator of their needs in a reasonable timeframe prior to returning to work so appropriate scheduling can be made to satisfy the needs of both the employee and the agency. Employees should also indicate in advance if this need will include additional time beyond their normal breaks or lunch time to ensure continued coverage of their job responsibilities.

### **Maintenance of Lactation Areas**

Nursing mothers requesting lactation breaks are responsible for keeping their personal areas clean and well-ordered for the next user by wiping surfaces and discarding any of their personal use items. Employees will be responsible for providing safe storage of their own breast pump equipment.

### **Milk Storage**

Each employee is responsible for proper storage of their milk.