



EL PASO COUNTY DEPARTMENT OF HUMAN RESOURCES

Mother Friendly Worksite Policy

Adopted Date: October 24, 2016

Purpose

The County of El Paso recognizes that breastfeeding is a protective, natural and essential form of feeding for infants. Therefore, in accordance with the recommendations of the Surgeon General of the United States, and the Texas Department of State Health Services, the County of El Paso supports and encourages mothers who wish to continue breastfeeding when they return to work with a county-wide lactation support program.

This policy provides general information on the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act ("PPACA"), which took effect when the PPACA was signed into law on March 23, 2010 (P.L. 111-148). This law amended Section 7 of the Fair Labor Standards Act (FLSA).

I. General Requirements

- A. County Departments shall provide a reasonable amount of break time to express milk up to 1 year after the child's birth each time such employee has need to express the milk.
- B. County Departments shall 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.
- C. County Departments shall also provide access to a clean, safe water source and a sink for washing hands and rinsing out equipment.
- D. Employees may use any refrigerator designated for employee use.
- E. Supervisors are responsible for alerting pregnant and breastfeeding employees about the Department's worksite lactation support program, and for negotiating practices that will help facilitate each employee's infant feeding goals.
- F. It is expected that county departments will assist in providing a positive atmosphere of support for breastfeeding employees.

II. Time and Location of Breaks

- A. County Departments shall provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary. However, this time shall not unduly disrupt their normal work schedule.
- B. A bathroom, even if private, is not a permissible location. The location provided must be functional as a space for expressing breast milk. If no space can be dedicated solely for the nursing mother's use, an appropriate location must be made available when needed in order to meet the statutory requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

III. Coverage and Compensation

- A. Breaks taken for nursing purposes shall be considered paid time, if reasonable, and does not create an undue hardship to the department.

IV. Procedure

1. Employees must communicate the need to a supervisor for a break for the purpose of expression of milk as delineated above and must appropriately notify management if leaving the designated work area to express milk.
2. Employees must notify and obtain authorization from their manager/supervisor if they will be taking more than the scheduled break time.
3. All current policies related to rest and lunch breaks must be followed.

A. Employee Responsibilities

1. Employees must communicate their need to management and prearrange agreeable times for breaks for expression of milk during work hours.
2. Employees should use designated lactation areas.
3. Employees will bring their own pumping supplies, provide their own containers and clearly label the milk stored in the refrigerator with name, date and time.
4. Employees will be responsible for taking their pumping supplies with them after use and cleaning their own supplies.

B. Supervisor Responsibilities

1. Supervisors shall be informed of this policy and shall work with the nursing employee to:
 - a. Provide reasonable break times to express milk;
 - b. Provide a place other than a bathroom that is shielded from view and free of interruption by coworkers and the public; and
 - c. Provide access to a clean, safe water source and a sink.
2. Supervisors shall ensure other department employees are informed of this policy as well

V. Visitors, Jurors, and Members of the Public

- A. The County of El Paso recognizes that visitors, jurors, and members of the public are an essential part of our daily operations. Therefore, departments are encouraged to assist these individuals in the same capacity as County employees.