

RESOLUTION NO. 37-14

AMENDING PERSONNEL POLICY 4.6 TO ADD BREAK TIME FOR NURSING MOTHERS PROVISION AND TO ADD PERSONNEL POLICY 7.11 HOLIDAYS FOR REASONS FOR FAITH OR CONSCIENCE

WHEREAS, Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require employers to provide a nursing mother reasonable break time and location to express breast milk after the birth of her child.; - Attachment A

WHEREAS, the Washington State Legislature has passed, and the governor has signed into law, SB 5173 granting state and local government employees the right to take two (2) unpaid holidays per year for reasons of faith or conscience. -Attachment B

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners does hereby revise Mason County's Personnel Policy 4.6 to add a Break Time for Nursing Mothers Provision and add Personnel Policy 7.11 Holidays for Reasons of Faith or Conscience.

DATED this 8th day of July, 2014.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:



Clerk of the Board



Terri Jeffreys, Chair

APPROVED AS TO FORM:



Tim Whitehead, Chief DPA

Absent

Tim Sheldon, Commissioner



Randy Neatherlin, Commissioner

4.6 BREAKS AND MEAL PERIODS

Employees will be allowed up to a one (1) hour unpaid lunch period as approved and scheduled by the employee's supervisor. Employees may take one (1) fifteen-minute break for every four (4) hours worked. Breaks should be arranged so that they do not interfere with County business or service to the public. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length. Lunch periods and breaks shall not be combined and they may not be used to shorten an employee's workday.

BREAK TIME FOR NURSING MOTHERS PROVISION:

Purpose and Overview

The intent of this policy is to support Mason County employees who are breastfeeding and to meet the requirements of Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) as amended by the Patient Protection and Affordable Care Act (effective March 23, 2010). This policy applies to all Mason County employees.

Procedures

This policy provides the following information:

1. A reasonable amount of time to express milk or breastfeed (lactation time)
2. Private and secure rooms to express milk or breastfeed (lactation room)
3. Employee responsibilities
4. Education and support
5. Anti-discrimination, harassment or retaliation
6. Employee Notification

1. Reasonable Amount of Time to Express Milk or Breastfeed (Lactation Time)

Managers must provide an employee a reasonable amount of time to express milk or breastfeed their infants during the workday. The frequency of breaks and the duration may vary. In the early months of a baby's life, nursing employees will typically need two to three breaks during an eight-hour shift. Typically the act of expressing breast milk alone will take 15-20 minutes. However, the actual length of break may vary depending on additional factors, such as the location of the private space and the amenities nearby (proximity to sink, milk storage area, etc.)

Reasonable accommodations shall be made to provide breaks of adequate timing and length to support the ongoing production of breast milk. This may necessitate total break time in excess of that regularly scheduled on a temporary basis during the breastfeeding experience. Managers and employees will discuss requested accommodations and any schedule adjustments needed. Nursing mothers may request a flexible work schedule, subject to approval by management, to address their individual needs (*e.g.* allow employee the flexibility to come in early or stay late, or use a portion of their lunch period, to make up time).

2. Private and Secure Rooms to Express Milk or Breastfeed (Lactation Room)

Federal guidelines provide that a bathroom may **NOT** serve as a lactation room. Lactation rooms shall be:

- private (window coverings are required);

- secure (lockable from the inside, if possible);
- accommodating (comfortable seating, a table, and power outlets);
- reasonably close to the employee's work area;
- provided with a sign to designate the space is in use.

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.
- Have a place where expressed breast milk can reasonably be stored. This does not mean refrigeration must be provided but, employees must be allowed to bring insulated food containers and ensure there is a place to store a pump and containers while they are at work.

Employees in outlying work locations that do not have a designated lactation room should arrange, with their managers, an intermittent or temporary location to be used as a lactation room.

Designated lactation rooms may exist at some Mason County worksites; a list of rooms and scheduling information can be found at: *{Mason County website link}*

If no lactation room or other suitable space is available, contact Human Resources for additional assistance or questions at extension 268.

3. Employee Responsibilities

Any necessary equipment (breast pump, storage containers, etc.) should be securely stored at the employee's workstation or at another storage area agreed upon by the employee and manager. Employees are responsible for keeping milk expression areas clean, using antimicrobial wipes. Breast milk may be stored in a labeled personal storage cooler or in a tightly closed container in a staff refrigerator.

4. Education and Support

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

- Health insurance benefits may cover breastfeeding-related resources and services. Contact your specific health insurance provider to inquire about resources available.
- Contact a Mason County Public Health Nurse at x400 for additional resource information.

5. Anti-Discrimination, Harassment or Retaliation

Mason County is committed to supporting its employees who are nursing mothers. As with any right conferred under the FLSA, nursing mothers who express milk or nurse their infants during the workday are protected from discrimination, harassment or retaliation for doing so. In addition, Mason County does not tolerate discrimination, harassment or retaliation. Such action is a violation of this policy and any employee engaging in such misconduct may be subject to discipline, up to and including termination.

Any county employee who experiences or witnesses what may be discrimination, harassment 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, any other member of management within the agency, or to Human Resources.

6. Employee Notification

- Human Resources shall notify all employees of Mason County's *Breastfeeding Accommodation Policy and Procedures* upon adoption.
- Employees will receive a copy of the *Breastfeeding Accommodation Policy and Procedures* during New Employee Orientation.
- Human Resources or management shall provide a copy of the *Breastfeeding Accommodation Policy and Procedures* when they become aware of an employee preparing for an approaching child birth or maternity leave.

7.11 HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, as pursuant to SB 5173 - 2013-14 (or successor legislation).

The employee may select the days on which the he or she desires to take the two unpaid holidays off with their supervisor's approval. The unpaid holiday may be compensated through utilization of vacation or comp time or by making alternative work schedule arrangements and following the department's customary process in which to request approval and scheduling of time off. Such requests shall not be unreasonably denied unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

The two holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.