



DEPARTMENT OF ADMINISTRATION

Enterprise Policy

HR-NURSING MOTHERS-2018

DIVISION OF HUMAN RESOURCES

Nursing Mothers in State Employment Policy

Date of Last Revision 06/28/2018

Deborah Dawson

(401) 222-3454

deborah.dawson@hr.ri.gov

1. Purpose

- a. This Policy sets forth the authority and procedures for: 1) state-employed nursing mothers to request space to nurse or express milk; and, 2) establishing reasonable accommodations for state-employed nursing mothers to nurse or express milk.

2. Applicability

- a. Section 4207 of the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act ("FLSA") at 29 U.S.C. §207(r), as amended, and R.I. Gen. Laws § 23-13.2-1 titled "Workplace policies protecting a woman's choice to breastfeed," as amended, and R.I. Gen. Laws § 28-5-7.4 titled "Accommodation of pregnancy-related conditions," plus their implementing regulations, if any.
- b. This Policy applies to all employees of the Executive Branch of the State, except for Treasury, the Attorney General, Secretary of State, the University of Rhode Island and State colleges.

3. Procedures for Compliance

- a. Facilities in conjunction with individual departments must identify space that meets the necessary requirements for nursing mothers to breastfeed or express milk during working hours. Such space may be temporarily or permanently created or converted, or made available to a nursing mother for such purpose. The space cannot be a bathroom or bathroom stall. The space must be made available to all employees who are breastfeeding or expressing milk as needed, be shielded from view, free from any intrusion from non-lactating employees and the public, and located in close proximity to the work area and a working basin sink. The space should have a locked door, place to sit with back and arm support, a flat work surface, an accessible electrical outlet, and blinds/drapes on a window, if any. There must be a sign at the entrance that reads, "PRIVATE. DO NOT ENTER THIS SPACE WITHOUT RECEIVING VERBAL PERMISSION TO DO SO." The door will be kept closed after entering or exiting the space to maintain security and to prevent theft or vandalism of the items provided for the employees.
- b. The use of this space need not be exclusively dedicated to nursing or expressing milk, but the nursing mother should have priority. An employee may also use her own private office with a locking door for breastfeeding or expressing milk.
- c. Pumping accessories and breast milk may be stored in the designated space of the work area, but must be clearly labeled and shall be stored at the owner's risk. All pumping accessories, refrigeration and storage shall be provided by the nursing mother.

- d. To facilitate a nursing mother's return to work and ensure that an appropriate space is available for breastfeeding or expressing milk, the nursing mother should submit a written request to her supervisor at least 30 days prior to her return to work. The supervisor must notify Facilities to make sure space is identified.
- e. The State shall provide reasonable unpaid break time each day for nursing mothers in order for them to nurse or express milk as needed. The break time must, if possible, run concurrently with any normal break time already provided to the employee. However, if an employee is compensated for a break, an employee who uses such break time to nurse or express milk must receive such compensation. If break time is not an option, or is not sufficient as all women are different and the time required might be more or less, the following workplace flexibilities should be considered: annual leave, leave without pay or modification of work hours to the extent feasible. Sick leave may not be used. The supervisor shall work with the employee to establish a lactation support plan for reasonably accommodating breastfeeding or expressing milk.
- f. Without disclosing the name of the employee, the supervisor shall notify the Department of Health's Worksite Wellness Coordinator that a request has been made for nursing space for statistical purposes. Contact information can be found at <http://www.health.ri.gov/programs/> under "Worksite Wellness Program."
- g. Any employee may contact the Division of Human Resources at 222-2160 with problems or questions regarding this Policy.

4. Repercussions for Noncompliance

- a. All employees are required to comply with this Policy. Failure to comply with this Policy may subject employees to disciplinary action up to and including termination.

5. Signatures



Division Director



Date



Director of Administration



Date