

Metro | *Policies and procedures*

Subject Nursing Mothers Accommodation
Section Human Resources
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

In accordance with federal and state law, Metro provides unpaid rest periods and designated locations for employees to express milk for children up to eighteen months.

Applicable to

All employees.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of the collective bargaining agreement will prevail.

Definitions

Designated Location: A private area in close proximity to an employee's workstation, other than a public restroom or toilet stall, to express milk.

Rest Period: Duration in which employees are entitled to unpaid leave in accordance with wage and hour laws and guidelines.

Work Time: The regular schedule for which an employee is paid to work. In order to comply with the law, supervisors may have to offer an employee a flexible schedule.

Guidelines

The intent of this policy is to comply with the Patient Protection and Affordable Care Act (PPACA) and Oregon law and to accommodate women who wish to breastfeed.

Procedures

1. Metro will supply a list of designated locations that meet the above guidelines and will be responsible for maintaining these locations in accordance with state and federal laws.
2. The supervisor and employee should determine a mutually agreeable schedule for breastfeeding rest periods.
3. Employees covered under this policy are entitled to a 30-minute unpaid rest period to express milk for every four hours of work. The rest period(s) should be taken approximately

in the middle of the work period and, if possible, at the same time as the other rest breaks or meal periods provided to the employee. If the employee's rest period to express milk overlaps with a regular paid rest break, Metro will compensate the employee for the time of the paid rest break but not the remaining time of the break to express milk.¹

- Supervisors are to consider flexible schedules to accommodate individual employees' needs. With supervisor approval, if an employee takes unpaid rest periods to express milk, the employee may work before or after their shift to make up the amount of time used during the unpaid rest break. If the employee does not work to make up the time used during unpaid rest periods, Metro will not compensate the employee for this time.²

Example: If a regularly scheduled 8 am to 5 pm employee takes two 30-minute breaks, the employee can be required to work an additional half hour to offset the two break periods.

- If the employee no longer has need for the provisions of this policy or no longer qualifies, she should inform her supervisor and return to a regular work schedule.
- In calculating hours worked towards benefit eligibility, time spent on authorized leave under the law will count towards hours worked. For example, if a 20 hour a week employee takes 30 minutes of unpaid leave each shift for the purpose of expressing milk, that time will count towards the required 20 hour minimum for benefit eligibility.

Responsibilities

Employee:

- Provide written or verbal notice to her supervisor that she intends to express milk upon returning to work or at any later point prior to her child's eighteenth month birthday.
- If unable to determine an agreed upon schedule with their supervisor, the employee should contact Metro Human Resources for assistance.
- Will be responsible for storing breast milk. An employee may bring a cooler or insulated food container or use a Metro refrigerator open for personal use at the worksite.

Supervisor:

- Become familiar with this policy and the designated locations at their worksite.
- Upon request for accommodation to express breast milk, supervisors will discuss scheduling issues with the employee and work out a mutually agreeable plan.
- Consider flexible schedules to accommodate employees' needs.
- Contact Metro Human Resources if questions arise regarding designated locations or scheduling.

Human Resources Department:

- Work with employees and supervisors to accommodate employee requests to express breast milk.
- Maintain a current list of designated locations at every Metro worksite and inspect them periodically to make sure they comply with the policy. When feasible, obtain employee feedback when a new designated location is established.

¹ Does not apply to exempt employees.

² Does not apply to exempt employees.