



LACTATION POLICY
Policy Statement

The purpose of this policy is to support employees who wish to continue nursing when they return to work.

Lord Fairfax Community College provides a process for requesting workplace accommodations for employees who need to use lactation facilities, including a reasonable break time, a lactation area, and procedures for storage of expressed milk.

This policy applies to all nursing individuals employed by Lord Fairfax Community College (the College) for up to a year following the child's birth and is available during an employee's normal working hours. While students are not covered by this policy, they may use lactation facilities but must provide their own means of expressed milk storage. Federal work study student employees are covered under this policy.

Definitions

Lactation/Nursing: means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

Reasonable Accommodation: may include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or changes to the work environment including modification of equipment to access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

Reasonable Break Time: (for nursing mothers only) Reasonable break time includes the amount of time needed to physically express the milk and the time it takes to walk to and from the designated lactation space, to prepare equipment and clothing for expressing the breast milk, to clean up afterwards, and to secure the milk in a refrigerator or cooler. The frequency of breaks needed varies widely and is also dependent upon a number of factors that the employer must consider.

Procedures

1. Employees will utilize the College's Policy on Reasonable Accommodation, Policy 40008, to initiate an interactive process via a request for workplace accommodation by completing the Request for Accommodation form at least three (3) workdays prior to

the need to use the lactation facilities. This timeframe will allow proper preparation of spaces and work environments.

2. Reasonable break time to express milk or to nurse a child
 1. A reasonable break time, unless otherwise agreed upon by the supervisor and employee, is no less than thirty (30) minutes during each four (4) hour work period, or major part of a four (4) hour work period.
 2. If a lactation area, as identified below, is not within close proximity to the employee's work area, the time taken to travel to and from the location may not be included as part of the break time. Close proximity is defined as within walking distance of the employee's work area so as not to appreciably shorten the employee's break time or meal period.
 3. Break time cannot be accumulated or banked by an employee for use at another time.
 4. Paid break time
 - a. An employee shall, if feasible, take the break time to express milk at the same time as the rest periods or meal periods that are otherwise provided.
 - b. Break time associated with this policy does not need to be paid, unless taken at the same time as a paid break, vacation/sick time, salaried flexible time.
 - c. Breaks must be permitted for nursing mothers for up to a year following the baby's birth. Should an individual wish to nurse beyond the first year, a reasonable accommodation request can be submitted to the HR department.
 5. Unpaid Rest Period
 - a. Employees may take an unpaid break time of up to thirty (30) additional minutes during each four (4) hour period to express milk.
 - b. Employees may request an adjustment to their work schedule to fulfill their normal work hours to make up the amount of time used during the unpaid break time.
 - c. If an employee does not work to make up the amount of time used during the unpaid break time, the College is not required to compensate the employee for that time. Employees are not required to use paid leave time to cover unpaid meal and rest periods used for expressing milk. Employees can choose to continue working while expressing milk in lieu of requesting extended work time or utilizing leave.
 - d. A health insurance eligible employee will have any unpaid break time that are taken to express milk counted toward the number of hours required in the month to meet benefits eligibility requirements.
 - e. Breaks must be permitted for nursing mothers for up to a year following the baby's birth. Should an individual wish to nurse beyond the first year, a reasonable accommodation request can be submitted to the HR department.
- C. Storage of Expressed Milk

1. An employee may bring a cooler or other container to work to store expressed milk. The supervisor is responsible for ensuring there is adequate space in the employee's general work area to accommodate the cooler or container.
2. If the College allows employees access to refrigeration for personal use, an employee may use the available refrigeration for storage of expressed milk.
3. The College is not responsible for ensuring the safekeeping of expressed milk stored on college property nor is it liable for the loss or damage of the employee's personal equipment and/or supplies.

Responsible Office: Human Resources

Institutional Responsibilities

1. The College will establish and identify lactation areas that meet the following criteria:
 - a. A separate room or other location shall be provided to ensure privacy while expressing breast milk. A private location is a place with an electrical outlet and seating, other than a public restroom or toilet stall, concealed from view and without intrusion by other employees or the public.
 - b. The College is not obligated to maintain a permanent, dedicated space for nursing employees. A space temporarily created or converted to a space for expressing milk or made available when needed by a nursing mother is sufficient provided that the space is shielded from view, and free from intrusion from coworkers and the public. This space must not be a bathroom.
 - c. The room or location should contain, at a minimum, a chair, a small table, desk, counter, or other flat surface, and an electrical outlet. Acceptable lactation areas include the following if the employee can express milk concealed from view and without intrusion by other employees or the public:
 - i. The employee's work area;
 - ii. A room connected to a public restroom, such as a lounge;
 - iii. A childcare facility where the employee can express milk concealed from view and without intrusion by other employees or the public; or
 - iv. An empty or unused office or conference room.
2. Lactation Room Signage
 - a. Signage must designate that a location is a lactation area. The signage must also be able to indicate that a room is/or is not in use. At a minimum, the signage may be placed on the door handle.
3. The availability of lactation areas will be made known through Human Resources and appropriate publications.
4. The Human Resource Office will provide periodical training to managers pertaining to the lactation policy.
5. The Human Resource Office will inform employees of the availability of lactation areas, review the lactation policy, the reasonable accommodation and process before they take leave associated with the birth of a child.
6. Managers will meet with employees prior to leave associated with the birth of a child to discuss the lactation policy, possible request for accommodation, lactation location(s), milk storage area(s), and break time needed to express milk or nurse a child. Schedule adjustments must be documented.

7. The College will assess the work environment to ensure there are no risks to the employee or to children if the employee is having a child brought to the worksite for breastfeeding.
8. The College shall post in a conspicuous location and include in any employee handbook information concerning (i) the prohibition against unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions (including lactation) and (ii) an employee's rights to reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions. Such information shall also be directly provided to (a) new employees upon commencement of their employment and (b) any employee within 10 days of such employee's providing notice to the employer that they are pregnant.
9. The College may in no way retaliate due to the request for accommodations.
10. The College may not deny opportunities because of need (real or presumed) to make accommodations.
11. The College may not force leave of an employee if a reasonable accommodation can be provided

The authority for interpretation of this policy and procedure rests with the chief human resources officer.

Other Information

Failure to adhere to this policy could result in disciplinary action up to and including termination of employment.

Employee will follow the College's Policy on Reasonable Accommodation, Policy 40008, to initiate an interactive process via a request for workplace accommodation by completing the Request for Accommodation form at least three (3) workdays prior to the need to use the lactation facilities. This timeframe will allow proper preparation of spaces and work environments.

Employees are required to store all expressed milk in closed, clearly labeled containers, regardless of the method or location of storage. They are responsible for providing the bottles, sterilizing equipment and breast pumps.

- Virginia Community College System (VCCS) Policy 3.14.7, Lactation
- Department of Human Resource Management (DHRM) Policy 1.25, Hours of Work
- Title 2.2 of the Code of Virginia, in accordance with §2.2-3904 and 2.2-3909 of the Code of Virginia
- Lord Fairfax Community College, Policy on Reasonable Accommodation
- Department of Human Resource Management (DHRM) Policy 4.21, Parental Leave
- Department of Human Resource Management (DHRM), Breaks for Nursing Mothers - Resource Guide (published 05/15/2019)
- United States Department of Labor, Fair Labor Standards Act (FLSA).

Document History:

Approved: Kim Blosser, May 4, 2021