

SUBJECT: Expression of Milk and Unpaid Rest Periods	NUMBER: 60.000.30
DIVISION: Chief Human Resource Office	EFFECTIVE DATE: 11/25/13
APPROVED: 	

POLICY STATEMENT: Oregon state government provides a private location and unpaid rest periods to lactating employees to express milk.

AUTHORITY: ORS 243.650, 240.145, 240.250, 653.077, OAR 105-010-0000 and 839-020-0051, **29 USC 207 § 7(r)**

APPLICABILITY: All employees (including temporary employees).

ATTACHMENTS: None

DEFINITIONS: See State HR Policy 10.000.01, Definitions; OAR 105-010-0000 and ORS 243.650

Reasonable Efforts: Efforts that do not impose an undue hardship on the operation of an agency's business.

Reasonable Rest Period: **An amount of time sufficient to allow employee to express milk. The frequency and duration of breaks will likely vary depending upon the individual mother's related needs.**

Expression of Milk: Lactation by manual or mechanical means; does not include breastfeeding.

Private Location: A place, other than a restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk without intrusion or view by other employees or the public. The private location may include: the employee's work area; a room connected to a restroom, such as a lounge; an empty or unused office, a conference room, or a storage space with a door that closes and covered windows, if any. A sign such as "DO NOT DISTURB" should hang on the door when the room is in use.

Close Proximity: Within walking distance from the employee's work area that does not noticeably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the agency may not include

the time taken to travel to and from the location as part of the break period.

POLICY

1. **When the employer receives notification an** employee intends to express milk, the agency must consider the immediacy of the employee's need when preparing to comply with this policy.
 - (A) The agency must make reasonable efforts to provide a location for the employee to express milk in private without intrusion by other employees or the public.
 - (B) An employee may bring a cooler or container to work to store the expressed milk and the agency must accommodate the container. The agency may allow, but cannot require, the employee to use an available refrigerator to store the expressed milk.
2. The agency must give the employee a reasonable rest period to express milk for her child up to the age of 18 months.
 - (A) The agency must treat the rest periods used by the employee to express milk as paid rest periods for the amount of time the agency is required to provide paid rest periods.
 - (B) If feasible, the employee will take the rest period to express milk at the same time as the rest periods or meal periods otherwise provided to the employee. If not feasible, the employee may express milk during an unpaid rest period.
 - (C) If an employee takes unpaid rest periods, the agency may allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest period.
 - (D) If the employee does not work to make up the amount of time used during the unpaid rest period, the agency is not required to compensate the employee for that time. The employee may use, but is not required to use, accrued paid leave or compensatory time.
 - (E) For the purpose of calculating hours for health insurance purposes, unpaid rest periods used by the employee to express milk count as time worked. The employee must use the appropriate leave without pay code for the unpaid portion of the rest periods.