

<b>State of Utah Health Department</b>	<b>Number: 08.11</b>	<b>Revision Date: 09/2018</b>
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<b>POLICIES &amp; PROCEDURES</b>	<b>Authorized By: Joseph K. Miner</b>	
<b>Section: Human Resources</b>	<b>Subject: Reasonable Accommodations for Nursing Mothers</b>	
<b>POLICY: This policy provides guidance for the reasonable accommodations of nursing mothers.</b>		

#### **A. APPLICABLE STANDARDS**

- Utah State Department of Human Resource Management (DHRM) Administrative Rule R477-8-3(2)
- Utah State Department of Human Resource Management (DHRM) Administrative Rule R477-8.3(5)
- Federal Health Care Reform Act, Section 4207S. The law amends the Fair Labor Standards Act (FLSA) of 1938 (29 U.S. Code 207) to require an employer to provide reasonable break time for an employee.

**UCA 34-49-202:** [Index](#) Utah Code [Title 34](#) Labor in General [Chapter 49](#) Nursing Mothers in the Workplace [Part 2](#) Breastfeeding in the Workplace [Section 202](#) Reasonable breaks and private room required. *(Effective 5/10/2016)*

#### **B. DEFINITIONS**

1. DHRM - Division of Human Resource Management.
2. Reasonable accommodations – A private room (not a bathroom) with a locked door that is shielded from view and free from intrusion by co-workers and the public. For the purposes of this policy, “reasonable accommodations” does not refer to “reasonable accommodations” under the Americans with Disabilities Act.
3. UDOH - Utah Department of Health

## C. PROCEDURE

1. The UDOH shall provide reasonable accommodations for nursing mothers to include the following:
  - a. In addition to breaks provided according to DHRM Rule 477-8-3(2), reasonable break periods, and/or leave time, as requested by the employee to their supervisor, shall be granted to allow the employee time to express breast milk or feed their child. Supervisor shall consult with the employee to determine the frequency and duration of the breaks.
  - b. UDOH shall provide, at each building location (Cannon Health, Highland Drive, Office of the Medical Examiner, Unified Public Health Laboratory, 44 N. Mario Capecchi Drive Building), the following in a designated area:
    - i. Table
    - ii. Chair
    - iii. Electrical outlet
    - iv. Refrigerator access, (clean and well-maintained) and
    - v. Microbiological wipes/cleanser
  - c. UDOH shall maintain the designated room in a clean and sanitary condition.
  - d. UDOH will provide written notice concerning an employee's right to reasonable accommodations for breastfeeding and it shall be included in an employee handbook, or posted in a conspicuous place in the employer's place of business.
  - e. UDOH may provide a hospital-grade electric breast pump for use during work hours. As a multi-user pump, it is the user's responsibility to bring the required accessories (e.g. tubing and collection bottles).
  - f. UDOH may provide a sink in the designated room or locate the designated room close to a sink.
  - g. Employees may store expressed milk in a break room refrigerator, a designated refrigerator, or the employee's personal cooler. Containers shall be labeled with the employee's name.
  - h. UDOH may provide a non-electric insulated container for storage of breast milk.
  - i. UDOH may provide prenatal and postpartum breastfeeding information, educational materials, resources, and International Board Certified Lactation Consultants for employees. These resources are available on the HealthNet.
  - j. Employees may use their own private office or other locations that meet the criteria for *b. and c.* (above) of this policy as agreed to with their supervisor.