



## DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURE

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### BREAK TIME FOR NURSING MOTHERS

In compliance with State and federal law (Section 7 of the Fair Labor Standards Act, NRS 608, NRS 281 and NAC 284) which requires the provision of a paid or unpaid, reasonable break time for an employee to express breast milk, the Department of Health and Human Services subscribes to the following policy and procedure:

1. An employee who intends to express breast milk during the work day must submit her notice to the division Human Resources Office in writing prior to the date they intend to start requiring break time to express milk. A sample of which is included in this policy and procedure.
2. An employee will be provided a reasonable break time to express breast milk for her nursing child for the first year of the child's life. These break periods will be given each time the employee has need to express breast milk.

If the employee determines that her two regularly scheduled 15 minute breaks are not sufficient to express milk:

- (a) The Department may approve the use of accrued annual leave, accrued compensatory time or leave without pay to make up the difference between her normal rest period and the time she uses to express milk and for reasonable breaks other than her rest periods to express milk; or
  - (b) Permit the employee to modify her work schedule to make up the difference between her normal rest period and the time she uses to express milk and for reasonable breaks other than her rest periods to express milk.
3. An employee lactation room is provided as a private and sanitary place for a breastfeeding employee to express milk during work hours. This room provides an electrical outlet, chair, nearby access to running water and is reasonably free of dirt or pollution, protected from the view of others and free from intrusion of others. An employee may use her private office area for milk expression if she prefers. The lactation room must not be a bathroom.
  4. An employee may use her own cooler packs to store expressed breast milk, or may store milk in a designated refrigerator/freezer. Employees are expected to appropriately maintain the refrigerator.

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The Centers for Disease Control states that “No special precautions exist for handling expressed human milk, nor does the milk require special labeling. It is not considered a biohazard.” <http://www.cdc.gov/breastfeeding/disease/hiv.htm>

Breast milk stored in a shared refrigerator should always be labeled with the employee’s name and the date it was collected.

5. Management and staff are expected to provide an atmosphere of support for breastfeeding employees. Retaliation against an employee for taking time in accordance with this policy is prohibited.
6. Upon receipt of the notice of intent for breaks to express milk, the employee’s supervisor must immediately acknowledge the response by signing it, identify an appropriate space, where necessary, and forward to the agency Human Resources Office so that the written response may be provided to the employee within 5 working days. If the designated space cannot be secured during the 5 working day response period, the supervisor will indicate ‘To be determined’ to ensure processing is not delayed.
7. If the supervisor believes complying with the requirement outlined in NRS 281 (1) will cause an undue hardship, he or she must provide a written statement within the specified response period and may meet with the employee to agree upon a reasonable alternative. If a reasonable alternative cannot be agreed upon, the agency may require the employee to accept a reasonable alternative. The final decision may be appealed by the employee as provided in NAC 284.
8. The Supervisor and Human Resources representative will respond to all employee requests for break times and place to express milk within 5 working days of an employee making the initial request.
9. An employee who is unsatisfied with the agency response to the request for reasonable break time and/or a place to express breast milk, or by an employee who alleges retaliation by the agency may file a complaint with the Employee-Management Committee using the [Formal Complaint-Nursing Mother Request or Retaliation](#) (form HR-88).

# DHHS Notice of Intent Regarding Break Times and Place to Express Milk

**\*\*Time Sensitive\*\***

## Section 1: Employee's Notice – Employee to Complete

Employee Name: \_\_\_\_\_ Employee ID: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ Employee Phone: \_\_\_\_\_

Date of Request: \_\_\_\_\_ Division & Unit: \_\_\_\_\_

I am submitting this letter to let you know I plan to continue breastfeeding my baby. I will need breaks at regular intervals during the workday to pump breast milk so as to maintain my milk supply and to provide breast milk for my child when we are apart. Section 7 of the Fair Labor Standards Act, NRS and NAC requires that employers provide a clean, private place for breastfeeding mothers to express breast milk. The law requires a reasonable break time to express milk each time an employee has the need.

When feasible I will take the break times to express milk at the same time as the break times or meal periods that are otherwise provided to me. Should I need additional time outside of these periods, I will request annual leave, compensatory time or leave without pay or coordinate with my supervisors to flex my time in accordance with Department and Division policy and NRS 284.180.

This letter fulfills my responsibility to provide you with advance notice of my intention to breastfeed, so that suitable arrangements can be made regarding a pumping location, as well as any work schedule modifications. I would appreciate a written reply from you indicating you understand my intentions and are working on a plan to address this need.

Start Date (x days' notice required): \_\_\_\_\_ Child's Date of Birth: \_\_\_\_\_

- I plan to use my own office for expressing breast milk.
- I will need a designated a clean, private place for breastfeeding mothers to express breast milk.

Please provide your written response to the following address/number:

- Email: \_\_\_\_\_
- Fax: \_\_\_\_\_
- Mailing Address: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Section 2: Response to Notice – Supervisor and Human Resources Representative to Complete

***This Section must be completed and returned to employee within 5 working days of agency receipt.***

Date Received: \_\_\_\_\_

Location of Designated Space: \_\_\_\_\_

("TBD" may be entered if the space cannot be allocated within required response time.)

### **Acknowledgement:**

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agency Human Resources Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_