

Administrative Policy No. 18.85

Subject: Lactating Employees in the Workplace

Information Contact: DSHS Human Resource Division

Authorizing Source: [RCW 43.70.640, The Patient Protection and Affordable Care Act of 2010, Section 7 of the Fair Labor Standards Act, Governor's Executive Order 13-06, The Pregnancy Discrimination Act of 1978; and RCW 43.10.005](#)

Effective Date: May 28, 2019

Revised: New ¹ Housekeeping update 12/18/19

Approved By: **ORIGINAL SIGNED BY WENDY LONG**
Senior Director, Human Resources Division

Purpose:

The Department of Social and Health Services (DSHS) is committed to providing a healthy work environment for lactating employees by ensuring they receive the accommodations necessary to provide breastmilk for their infant(s) or children.

Scope:

This policy applies to all DSHS employees.

Additional Guidance:

[Breaks for Lactating Employees](#) micro learning

Policy:

DSHS recognizes the health benefits of breastmilk for infants and children, as well as the health benefits to lactating employees who breastfeed. Therefore, DSHS supports employees in their need to breastfeed and express milk in the workplace. In accordance with Section 7 of the Fair Labor Standards Act (FLSA), employers are required to provide lactating employees reasonable break time to express milk after the birth of an infant. The amendment also requires employers to provide a place for lactating employees to express milk. Breastfeeding is not considered

indecent exposure.

As an employer, DSHS will provide:

1. Reasonable break time for an employee to express milk for infant or child; and
2. A private room, other than a bathroom, that is shielded from view and free of intrusion from co-workers and the public.

Supervisors and managers will support lactating employees upon their return to work and will allow them to flex their work hours within their assigned work shift to accommodate nursing and pumping when standard breaks and meal periods are not adequate. Lactating employees must either adjust or make-up time, or take leave to ensure they work the required number of hours in a work-day or work-week.

A nursing infant or child may be brought to the workplace for an employee to nurse during breaks or lunch; however, the infant or child must not remain in the workplace beyond a reasonable time after nursing unless participating in the Infants at Work (IAW) program. The lactating employee may nurse the child in a private room or other room designated for this purpose.

- This policy shall not be construed to regularly allow nursing infants and children in the workplace unless participating in the IAW program.
- Security policies apply as they relate to visitors.

Failure to provide an identified private space and the time to nurse is a violation of the Fair Labor Standards Act, Washington State law, DSHS Administrative Policy and Executive Order 13-06, and may result in disciplinary action up to and including dismissal.

¹ Added link under additional guidance