

PROCEDURES MEMORANDUM

TO: MCC Staff and Students

FROM: Office of the President

SUBJECT: Lactation Support Program

DATE: August 22, 2022

PURPOSE: To establish standards and protocols designed to comply with state and federal law and to promote a supportive environment for women needing to express milk for a nursing baby while at work or school.

SCOPE: This Procedures Memorandum applies to all employees and students who are new mothers needing to express milk while at work or attending school.

1. General Principles

Research has shown that lactation support is beneficial to the nursing mother and child(ren), as well as to the employer. Providing such support has been reported to reduce absenteeism, increase employee retention, decrease health care costs, and generally improve morale in the workplace. As a family friendly institution, Metropolitan Community College strives to create an environment that is productive and supportive of both its employees and its students in their work and familial roles.

The College will provide private space, time, and storage options for nursing mothers to express milk by doing the following:

- A. Designated Space – The College will provide a private space, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public. College employees will have first priority for use of lactation space, and students may utilize the space when it is not in use by employees for lactation. Students will have access to lactation space based on availability and may need to schedule access ahead of time, depending on employee use. Employee and student lactation will take priority over all other uses of designated lactation rooms.
- B. Time – The College will allow reasonable break times for an employee or student to express breast milk for her nursing child for a period of one year after the child's birth. An extension beyond one year may be granted upon request.
- C. Storage – The College has a limited number of small refrigerators that may be borrowed by employees for milk storage during the period of lactation. Students may store milk in

designated College refrigerators during the school day. It is expected that all storage containers be clearly labeled with the identity and contact information of the owner prominently displayed, and that all milk be removed from the College refrigerators by the owner(s) by the end of the day.

## 2. Responsibilities

- A. The Vice President of Human Resources, or their designee, is responsible for ensuring that the lactation support for employees referenced in this Procedures Memorandum be made available when necessary. It is expected that nursing employees in need of support will notify the Vice President of Human Resources or their designee, as soon as the need is known. Students in need of lactation support should contact their campus or center Executive Director for room location and other details.
- B. The Coordinator of Centralized Scheduling is responsible for working with Human Resources, the campus or center Executive Director, building managers, and the employee's supervisor to ensure that a private space and refrigeration are available to nursing employees and students. Nursing students may utilize the designated space for lactation and milk storage when available.
- C. Nursing Employees' Supervisors are Responsible for:
  - 1) Providing reasonable break times during the workday, or making reasonable accommodations for flexible work schedules, for employees wishing to express milk. Employees must be allowed to express milk as often as is necessary, and should not be expected to maintain a strict schedule for the expression of milk.
  - 2) Creating a positive atmosphere of support for nursing employees and students by respecting and being sensitive to the decision to nurse.
- D. Nursing Employees are Responsible for:
  - 1) Contacting the Vice President of Human Resources or the Director of Human Resources as soon as possible, preferably at least four weeks in advance, of the date that they expect to first need lactation support from the College. The purpose of the advance contact is to allow time for the College to ensure that appropriate arrangements to meet the mother's needs are made in a timely fashion.
  - 2) Requesting and arranging with their supervisor reasonable break times each day for expressing milk. This is to ensure that appropriate scheduling can be made to satisfy the needs of both the employee and the department. Nursing employees will be allowed to express milk when necessary, whether it correlates with an established schedule or break time or not.
  - 3) Notifying the Coordinator of Centralized Scheduling or their supervisor, when a borrowed refrigerator is no longer needed.

- 4) Bringing their own equipment and cleaning up after each use.

E. Nursing Students are Responsible for:

- 1) Contacting Student Services or their campus or center Executive Director of their need for lactation support as soon as possible to allow time to make appropriate arrangements for access to a designated lactation space. College employees will have first priority for use of lactation space and students may utilize the space when it is not in use by employees for lactation. Employee and student lactation will take priority over all other uses of designated lactation rooms.

- 2) Bringing their own equipment and cleaning up after each use.

3. Designated Private Space

A private room or space (other than a bathroom) will be made available for the employee or student to express milk. The private room/space will be free from intrusion, sanitary, equipped with an electrical outlet, and located near a sink with running water. If the employee has a single occupant office and prefers to do so, they may also express milk in her private office.

In buildings where space is limited and the space identified for lactation is designated as a dual purpose room (e.g., lactation and general College business), the first priority for use of the room will always be for the nursing mother. When such room is needed for lactation by an employee or student, all other activities in the room shall cease immediately and it shall be devoted to lactation until no longer necessary.

4. Refrigeration for Employees and Students

Each employee and student is responsible for proper storage of their milk using either an MCC-provided refrigerator or her own personal storage cooler. Facilities Management has a limited number of small refrigerators that may be borrowed for milk storage during the period of lactation. The refrigerators may be borrowed without charge, and the College will provide free delivery and pick-up. It is expected that all storage containers placed into a College refrigerator be clearly labeled with the identity and contact information of the owner prominently displayed, and that all milk be removed from the refrigerators by the end of the day. The refrigerator must be returned in the same condition as when received, with reasonable wear and tear excepted, or the user will be charged for cleaning and possibly replacement.

5. Lactation Breaks

Employees will be granted reasonable breaks, using their normal rest break periods and meal times, plus additional time if needed, to accommodate milk expression. Non-exempt employees are entitled to paid morning and afternoon rest breaks, not to exceed 15 minutes each. Time required by non-exempt employees beyond the usual rest breaks and meal times is considered non-compensable under the Fair Labor Standards Act, and the employee must work with the supervisor to make up the lost time. For example, time used to express milk may be made up at the beginning or the end of the day, as long as the time is made up within the same work week. Employees may also utilize annual leave for the time used.

Students are expected to make reasonable efforts to express milk between classes or outside of scheduled instruction time. Students who must express during a portion of their class period shall inform the instructor of the need and estimated time away from class as soon as possible. Instructors and students will work together to identify solutions for making up in-class work, as well as instruction missed. **The policies set forth in this Procedures Memorandum supersede any classroom based attendance policy/practices regarding allowable numbers of absences.** Additional information for students can be found at <https://www.mccneb.edu/Prospective-Students/Student-Tools-Resources/Student-Advocacy-and-Accountability/Title-IX/Pregnant-and-Parenting-Students.aspx>

Students needing assistance establishing reasonable classroom/academic accommodations related to lactation should contact Disability Support Services (DSS) for their campus or center. Students in need of lactation support or with other non-academic lactation related issues should contact their campus or center Executive Director.

This PM is intended to ensure compliance with state and federal laws dealing with lactation for students and for employees in the workplace. Any employee who believes that they have been harassed, retaliated, or discriminated against because of their decision to express milk at work should contact the Vice President of Human Resources. Any student who believes that they have been harassed, retaliated, or discriminated against because of their decision to express milk while at the College should contact the Dean of Student Advocacy and Accountability/Title IX Coordinator. Students may contact the Vice President for Student Affairs, at 531-622-2430, with questions or for additional assistance.

Adopted 10/8/12; Amended 6/24/14; Amended 9/18/18; 7/26/21 (title changes only); 8/22/22