

PROCEDURE TITLE: <b>NURSING MOTHERS</b>		
ADOPTION/EFFECTIVE DATE: October 17, 2023	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Equity and Non-Discrimination		

### I. Purpose

Harford County Public Schools (HCPS) is committed to supporting employees who are nursing parents. This document outlines the process for employees to request lactation breaks for up to one year after the child's birth. Each HCPS facility will designate space for lactation breaks that is shielded from view and free from intrusion by coworkers, students, or the public.

### II. Definitions

- A. Employee - Means an individual employed by the Board, including tenured and non-tenured teachers, and certificated and non-certificated individuals, whether full-time, part-time, or temporary.
- B. Lactation Break – Means a reasonable break time during the employee's workday for the purpose of allowing a nursing mother to express breast milk for their nursing child for up to one year after the child's birth.
- C. Interactive Discussion – Active dialogue between the employee and supervisor to determine and identify a mutually agreed upon reasonable accommodation.

### III. Procedures

- A. Employees may request lactation breaks by completing a Lactation Break Request Form. The HCPS Benefits Office will provide this document to employees as part of the FMLA/Maternity Disability Leave Process email notifications. In addition, this document can be found on the HR Benefits SharePoint site in the FMLA and Leave of Absence Information folder.
- B. Employees requesting lactation breaks must complete and submit the employee portion of the Lactation Break Request Form to their immediate supervisor at least five (5) business days prior to the need for the accommodation.
- C. The supervisor and employee will engage in an interactive discussion to determine if the lactation breaks can be accommodated as requested. Supervisors may maintain a master schedule of the space to coordinate use as requested.

- D. The space designated for purposes of lactation must be a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. Even if private, a bathroom is not a permissible location under the Act. Supervisors should use the Lactation Room Checklist to determine the adequacy of the space.
- E. The employer is not required to create a permanent space for lactation, but any temporary space provided must meet the above requirements and be available when needed.
- F. Any questions that arise from the interactive discussion will be forwarded to the Supervisor of Equity and Cultural Proficiency for consideration and resolution.
- G. The supervisor will maintain completed Lactation Break Request Forms until the end of the accommodation request or up to one year after the child's birth, whichever comes first. Should the needs of the employee change, requests for modifications can be conferred through interactive discussion. Agreed upon modifications will be noted on the original document under the Accommodation Change Request section of the Lactation Break Request Form.
- H. At the conclusion of the accommodation period, the Lactation Break Request Form should be forwarded from the supervisor as confidential to the HCPS Case Manager for archival purposes.
- I. Should an employee be dissatisfied with a decision regarding a request made pursuant to the above procedures, the employee may file an appeal under Educational Article of the Annotated Code of Maryland, Section 4-205(c).

**Approved By:**



Procedure Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE

Responsibility for Procedure Maintenance & References	
LAST EDITOR/DRAFTER NAME:	JOB POSITION OF LAST EDITOR/DRAFTER:
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:	DESIGNEE POSITION:
PROCEDURE NUMBER PRIOR TO NOVEMBER 1, 2005:	

### **LEGAL REFERENCES!**

References are set forth in the Procedure.

Section 7 of the Fair Labor Standards Act of 1938; 29 U.S.C. 207(r)

Consolidated Appropriations Act, 2023; Providing Urgent Maternal Protections for

Nursing Mothers Act (S. 1658/ H.R. 3110)

Md. Code Ann., Health-General Art. § 20-801