

Frequently Asked Questions for Nursing Mothers at Henrico County Government

- **Are the breaks to express/pump milk paid breaks? What are my options?**
- **Can I select my break time? How many times a day is allowed to take breaks?**
- **When should I notify my department of my need for a place to express milk?**
- **May a supervisor ask pregnant employees if they intend to take breaks to pump milk when returning to work?**
- **Is this time counted as FMLA time?**
- **What information does my department need?**
- **Does the county provide a refrigerator for storage?**
- **Does the county supply pumps?**
- **Are there examples of breaks in the workplace for expressing milk?**
- **Can my break be delayed for expressing milk?**
- **My department doesn't have a private spot shielded from view and free from intrusion from coworkers and the public for me to express milk, what can they do?**
- **Is there a time period my department can allow me to express milk?**
- **Could I work during the time I am expressing milk?**
- **What can I do to make expressing milk at work a success?**
- **Whom do I contact if I have questions about my rights and responsibilities?**

Are the breaks to express/pump milk paid breaks? What are my options?

An employee may use the unpaid break and the paid breaks for expressing milk. If the time needed exceeds the paid and unpaid breaks provided by the county, the employee may use unpaid time or may use annual leave, holiday leave, and compensation time. The employee may also request to work longer days to avoid the use of paid leave or docked (unpaid) leave.

Can I select my break time? How many times a day is allowed to take breaks?

Employers are required to give a reasonable break time. Reasonable will be determined by the employer after conversations with the employee. The county has many different departments with different functions. Each request will be evaluated on a case-by-case basis. Call Human Resources for assistance at 501-7149.

When should I notify my department of my need for a place to express milk?

Notification to your department must be made prior to return to work. The notification allows for the department to prepare and allows for smoother transition. A minimum of 5 work days which is the same notification for returning to work after release from a health care provider is acceptable, however, the more time the better.

May a supervisor ask pregnant employees if they intend to take breaks to pump milk when returning to work?

Yes, the federal government specifically notes that employers are permitted to ask pregnant employees if they intend to take breaks to pump milk upon returning to work.

Is this time counted as FMLA time?

No. Expressing milk at work does not constitute bonding with or caring for a newborn child and is not typically associated with a serious health condition under the FMLA. FMLA leave is not used for reasons not covered by the FMLA.

What information does my department need?

You will need to notify your department and the Human Resources Employee Relations. A conversation is preferable and will need to include details such as the break times needed to express milk, the likely duration of those times, how you intend on storing the milk, and any other information you believe will be helpful. Your supervisor or Human Resources should follow up with a written document or email. Changes in schedule will need to be communicated to your supervisor to ensure clear understanding.

Does the county provide a refrigerator for storage?

Employees are responsible for the proper storage of perishable items. If your department has a refrigerator and it is for employee use, you may confirm with your supervisor your use of it. If your department doesn't have a refrigerator, you will have to provide your own storage. Please confirm with your supervisor what is appropriate if you are providing your own storage.

Does the county supply pumps?

No.

Are there examples of breaks in the workplace for expressing milk? (Times are dependent on the device used)

Each situation is reviewed and must be approved by Human Resources for compliance with applicable laws, rules, etc. Variables such as device used and nature of work factor into the break schedule.

Note: When not available for work due to pumping, absence will be handled as leave - either paid or unpaid or with flexing the work schedule. Approval from Department and Human Resources is required.

Can my break be delayed for expressing milk?

An employee may be required to postpone the scheduled break time if she cannot be spared from her duties.

My department doesn't have a private spot shielded from view and free from intrusion from coworkers and the public for me to express milk, what can they do?

A space temporarily created or converted into a space for expressing milk when needed is sufficient according to the Act. It must be other than a bathroom.

Is there a time period my department can allow me to express milk?

The Virginia House Joint Resolution No. 145 2002 and the FLSA both indicate 1 year after the child's birth is the time period covered.

Could I work during the time I am expressing milk?

No. This time is designated as "unavailable" for work duties.

What can I do to make expressing milk at work a success?

According to research, tips for success include: Keep a positive attitude, keep your supervisor informed as needed, and be creative, flexible and interactive.

Whom do I contact if I have questions about my rights and responsibilities?

Human Resources. 501-7149 or bra33@co.henrico.va.us