

Hoopa Valley Tribal Council
HUMAN RESOURCE PROGRAM

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BREASTFEEDING IN THE WORKPLACE POLICY

1. PURPOSE

The Hoopa Valley Tribe recognizes that breastfeeding is the first traditional food providing a multitude of health benefits to both infants and mother. The Tribe promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work. Breastfeeding employees need ongoing support in the workplace to be able to provide their milk for their infants. The Tribe encourages employees and managers to have a positive, accepting attitude towards working women whom are breastfeeding.

The purpose of this policy is to allow more opportunities for working mothers to obtain the health benefits of breastfeeding for their infant children, themselves, and the Hoopa Valley Tribe. This policy provides a framework for tribal employees and their supervisors to work together to facilitate breastfeeding or the use of breast pumps, or both, either within the workplaces of the Hoopa Valley Tribe or at home, as appropriate.

2. ELIGIBLE EMPLOYEES AND CHILDREN

Under this Policy, any tribal employee who is breastfeeding her child is eligible for reasonable break times to express breast milk (i.e., to pump) in the workplace for up to 1 year following the birth of the child. The Tribe shall ensure that all tribal programs, departments and entities provide a private space for this purpose and allow access to a refrigerator or cooler for safe storage of expressed milk as set forth below in Sections 3(b) and 3(c) of this Policy.

In addition, any tribal employee who is breastfeeding her child is potentially eligible for reasonable break times to nurse the baby at home for up to 1 year following the birth of the child. Managers are not required to permit breaks for breastfeeding at home if it would result in break times that are significantly longer than the normal rest and meal periods accorded to tribal employees.

Section 3(a) of this Policy discusses accommodations for milk expression breaks in more detail.

a. Breastfeeding Children in Tribal Offices

If an employee wishes to bring their child into the workplace for breastfeeding, the employee may potentially do so under certain conditions set forth in this Policy.

Breastfeeding may take place in the Tribal Offices only up until the nursing child is 1 year old. This Policy is a specific and narrow exception to Section 5.4(h) of Title 30 of the Hoopa Valley Tribal Code,

which states that children of employees are not permitted in Tribal Offices during work hours. A child may only be brought to the Tribal Offices if required to support breastfeeding (and approved by the employee's supervisor in advance) and not for general child care or day care purposes.

Prior to bringing a child to the workplace for breastfeeding, the employee must first speak with their immediate supervisor, who shall assess the safety, liability, and logistical considerations related to bringing a child into the offices of that particular department, program, or entity. If approval to bring the child to the workplace is granted by the supervisor, a private space for breastfeeding shall also be provided consistent with Section 3(b) below. Where safety, liability, and logistical considerations can be adequately managed, supervisors are encouraged to work with their nursing employees to develop a plan that facilitates the mother-child bond provided by breastfeeding. However, the ultimate decision whether to approve a particular breastfeeding plan is at the discretion of the supervisor.

b. Waiver Requirement

If the supervisor grants permission for an employee to bring a child into the workplace for breastfeeding, the supervisor must ensure that the employee signs a waiver releasing the Tribe from all liability related to the child's presence in the Tribal Offices. The required waiver form can be obtained by contacting Human Resources. Once the employee has signed the waiver, the supervisor is responsible for providing a copy to the Director of Human Resources and the Director of Insurance.

c. Eligible and Non-Eligible Positions

Due to the variety of services the Tribe provides, along with the diversity of job positions held by tribal employees, it is necessary to have a two-tier policy which will minimize the potential for business disruptions, risk of injury to the child, and liability for the Tribe.

- *Eligible Positions* – Positions such as Administrative Assistant, Program Coordinator/Manager, Secretary, and Clerk that are mostly office-based will generally be eligible to bring their child to the workplace for breastfeeding (at the department manager's/supervisor's discretion).
- *Ineligible Positions* – Nursing mothers who hold job positions that require any of the duties below are generally not eligible to bring their baby to work (due to risk to the child, liability issues, and appropriate child-to-staff ratios):
 - Home visits
 - Transportation of Clients
 - Extensive and/or frequent travel (bus drivers, truck drivers)
 - Potential safety concerns (kitchen workers, bus monitors, construction workers, emergency personnel)

Children should not be brought into Tribal Offices on days when they are sick. The employee assumes all responsibility for the safety of their child in the workplace.

3. GUIDELINES RELATING TO BREAKS, PRIVATE SPACES, & REFRIGERATORS

Consistent with this Policy, all tribal departments, programs, and entities shall provide reasonable breaks to accommodate breastfeeding or milk expression, a private place to breastfeed or express milk, and allow access to a refrigerator or cooler for safe storage of expressed breast milk in accordance with the guidelines set forth below.

a. **Milk Expression Breaks**

- i. Breastfeeding employees are allowed a flexible schedule during work hours for breastfeeding or pumping that uses their normal rest and meal periods. Additional time arrangements can be negotiated with the employee's supervisor or manager in advance.
- ii. The frequency of breaks to express milk and the duration of each break will likely vary according to the needs of the individual mother. Managers will be required to use their best judgment on what is considered reasonable. Milk expression breaks ideally shall not exceed 15-30 minutes twice daily, usually once in the morning and once in the afternoon, and the employee's one-hour allocation for lunch, unless special circumstances apply (e.g., medical need, overproducing). These breaks shall not be used for general child care or day care purposes.
- iii. Managers and employees may also work together to develop a flex schedule to facilitate breastfeeding that has been established in accordance with the flex schedule policy in Section 10.3(c).
- iv. For employees who are still nursing after the child is 1 year old, the Tribe will provide limited paid nursing breaks to enable nursing mothers to pump their breast milk. These breaks shall run concurrently with the existing fifteen-minute breaks in the morning and afternoon. The nursing breaks shall be a maximum of ½ hour in the morning and ½ hour in the afternoon. The two nursing breaks along with the lunch period will let mothers pump milk three times during the work day. The paid nursing breaks will apply up to the child's second birthday.

b. **Private Spaces**

Employees shall be provided a place to express their milk or breastfeed their child (if approved by the employee's supervisor in advance).

- i. An employee lactation room is provided as a private and sanitary place (other than a bathroom) for breastfeeding employees to express their milk during work hours and/or nurse their infant child. This room should be free from intrusion from coworkers and the public.

- ii. This room provides an electrical outlet, comfortable chair, and nearby access to running water.
- iii. Employees may, of course, use their private office area for breastfeeding or milk expression, or other comfortable location agreed upon with a supervisor, if they prefer.
- iv. Breastfeeding employees are responsible for keeping and maintaining breastfeeding areas and for the safety of their baby when they bring them to the workplace for breastfeeding.
- v. Employees who work offsite or in another location will be accommodated with a private area, as necessary.

c. Refrigerators

Employees shall be allowed to use existing refrigerators located in Tribal Offices for safe storage of expressed breastmilk. If no refrigerators are located nearby, employees shall be allowed to bring their own refrigerator or cooler pack as they see fit and as space permits.

- i. Employees may use their own cooler packs to store expressed breastmilk or may store milk in a designated refrigerator or freezer.
- ii. Employees should provide their own milk containers, clearly labeled with name and date.
- iii. If using an onsite refrigerator, the breastfeeding employee is responsible for keeping it clean.
- iv. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and risk of harm for any reason, including improper storage, refrigeration, tampering, and theft.

4. COMMUNICATION WITH SUPERVISORS AND MANAGERS

- a. Employees must communicate with their supervisors regarding their intent to express milk or breastfeed at their work site.
- b. Employees and supervisors may need to make accommodations for the goals of this policy to be met.
- c. It is the responsibility of the employee to keep their supervisor informed of needs related to this policy.