



OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

Human Resources Division

Title:	Expression of Milk and Unpaid Rest Periods	HR_460_13
Supersedes:	HR 460_13 dated August 1, 2009	
Applicability:	All Employees (including temporary employees)	
Reference:	DAS Policy 60.000.30	
Effective Date:	January 1, 2014	Approved: 

I. PURPOSE

To provide lactating employees unpaid time off and access to a private location within close proximity to the employee's work area for the expression of milk for a child under the age of 18 months.

II. DEFINITIONS

- A. **Reasonable Efforts:** Efforts that do not impose an undue hardship on the operation of the department's business.
- B. **Reasonable Rest Period:** An amount of time sufficient to allow employee to express milk. The frequency and duration of breaks will likely vary depending upon the individual mother's related needs.
- C. **Expression of Milk:** Lactation by manual or mechanical means; does not include breastfeeding.
- D. **Private Location:** A place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk without intrusion or view by other employees or the public. The private location may include: the employee's work area; a room connected to a restroom, such as a lounge; an empty or unused office, a conference room, or a storage space with a door and covered windows, if any. A sign such as "DO NOT DISTURB" should hang on the door when the room is in use.
- E. **Close Proximity:** Within walking distance from the employee's work area that does not noticeably shorten the rest or meal period. If a private location is not within close proximity to the employees work area, the department may not include time taken to travel to and from the location as part of the break period.

III. POLICY

- A. When the employer receives notification an employee intends to express milk, the department must consider the immediacy of the employee's need when preparing to comply with this policy.
 - 1. The department must make reasonable efforts to provide a location for the employee to express milk in private without intrusion by other employees or the public.

2. An employee may bring a cooler or container to work to store the expressed milk and the department must accommodate the container. The department may allow, but cannot require, the employee to use an available refrigerator to store the expressed milk.
- B. The department must give the employee a reasonable rest period to express milk for her child up to the age of 18 months.
1. The department must treat the rest periods used by the employee to express milk as paid rest periods for the amount of time the department is required to provide paid rest periods.
 2. If feasible, the employee will take the rest period to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee. If not feasible, the employee may express milk during an unpaid rest period.
 3. If an employee takes unpaid rest periods, the department may allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest period.
 4. If the employee does not work to make up the amount of time used during the unpaid rest period, the department is not required to compensate the employee for that time. The employee may use, but is not required to use, accrued paid leave or compensatory time.
 5. For the purpose of calculating hours for health insurance purposes, unpaid rest periods used by the employee to express milk count as time worked. The employee must use the appropriate leave without pay code for the unpaid portion of the rest periods.