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| Policy Title: Employee Lactation Support | Policy Number: NATL.HW.002 |
| Owner Department: Healthy Workforce | Effective Date: January 1, 2020 |
| Custodian: VP, Employee Safety, Health and Wellness, and Environmental Stewardship Officer | Page: 1 of 9 |

1.0 Policy Statement

Kaiser Permanente (KP) promotes and supports breastfeeding among its members, patients and employees. In line with this commitment, KP has established requirements to support and encourage its breastfeeding employees.

2.0 Purpose

This policy describes requirements that aim to promote, protect, and encourage breastfeeding practices among employees.

3.0 Scope/Coverage

This policy applies to all employees who are employed by the following entities (collectively referred to as "Kaiser Permanente"):

- 3.1** Kaiser Foundation Health Plan, Inc., and Kaiser Foundation Hospitals (together "KFHP/H");
- 3.2** KFHP/H subsidiaries;
- 3.3** The Permanente Medical Group, Inc. (TPMG) [NOTE: This policy does not apply to physicians, podiatrists, vice presidents, or members of the TPMG Executive Staff, who are covered by separate TPMG policies]; and
- 3.4** Southern California Permanente Medical Group (SCPMG) [NOTE: This policy does not apply to physicians of SCPMG].

4.0 Definitions

See Appendix A – Glossary of Terms

5.0 Provisions

5.1 Breastfeeding, Expressing, and Storing Milk at Work. All employees are permitted to breastfeed, express, and/or store breast milk at work.

5.2 Location/Facility Requirements

5.2.1 KP takes reasonable actions to provide a private location for milk expression and/or breastfeeding at all KP work sites. New and updated KP-owned or leased hospitals, medical offices and administrative buildings contain a permanent designated lactation room. Refer to the KP Facilities Design Program Room Templates and Space Programs for details regarding building and equipment requirements for permanent rooms. Contact a representative on Strategy, Planning and Design at National Facilities Services for more information.

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5.2.2 Employees will be provided with a location for lactation breaks that meet the following minimum requirements:

5.2.2.1 Located within close proximity to the employee's work area.

5.2.2.2 Accessible to employees with a disability (temporary accommodations may need to be made).

5.2.2.3 Must not be a bathroom.

5.2.2.4 Provides visual and physical privacy so that it is free from intrusion by co-workers or the public. Where feasible, the location will be lockable or will have appropriate signage to prohibit others from entering.

5.2.2.5 Provides user seating and a surface on which milk expression equipment and personal items can be safely placed.

5.2.2.6 Contains electrical sockets located near seating such that milk expression equipment can be easily plugged in.

5.2.2.7 Will be maintained to ensure cleanliness.

5.2.2.8 May include the place where the employee normally works if it otherwise meets the requirements of this section.

5.2.2.9 Employees will have access to appropriate amenities and supplies necessary for lactation breaks (e.g., paper towels, access to soap and water for cleaning hands, etc.).

5.2.2.10 New or remodeled permanent lactation rooms contain a sink with hot and cold water.

5.2.3 Temporary Accommodation. At work sites where no permanent lactation room exists, or existing rooms are overburdened, KP takes reasonable actions to provide a temporary space that meets the requirements in Section 5.2.2 above for lactation breaks (e.g., an exam room at a hospital or medical office, etc.). Refer to *Employee Lactation Support Guide* for details.

5.2.4 Amenities. Amenities within or near the lactation location, such as storage space, identified refrigerators, drying racks, etc., that help reduce the amount of break time needed (by reducing the time to locate and access storage or a refrigerator, for example) are encouraged. See *Employee Lactation Support Guide* for details.

5.2.4.1 Employee Responsibility. Employees are responsible for breast milk stored at a KP work site.

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5.2.5 Priority Use. While alternate uses of designated lactation support locations are permitted, such locations must be maintained according to the requirements in Section 5.2.2 above and available for priority use by eligible employees, as necessary.

5.2.6 Additional Requirements for Applicable Localities. Refer to Addendum for any local requirements that may apply.

5.3 Traveling/Mobile Employees. Eligible employees who work offsite (e.g., mobile workers, homecare employees, those traveling for meetings, etc.) should make specific arrangements with their managers to meet their needs. Refer to *Employee Lactation Support Guide* for additional information.

5.4 Time to Express Milk. Eligible KP employees may take lactation breaks during the workday as needed.

5.4.1 Amount of Time Allowed. KP provides reasonable break time for each time employees need to breastfeed, express milk, or store milk. Employees should coordinate the time needed with their supervisor. See *Employee Lactation Support Guide* for details.

5.4.2 Use of Rest/Meal Period Time. When consistent with the lactation needs of the employee, lactation breaks will, if possible, run concurrently with meal/rest period time provided. If an employee requires a reasonable amount of time beyond the normal rest/meal period for lactation needs, the time is provided but for nonexempt employees it may be unpaid. Employees may choose to use accrued time off benefits as allowed by applicable pay practices. All employees should make alternate/additional arrangements with their supervisor.

5.5 Roles and Responsibilities.

5.5.1 Employee Responsibilities. Employees communicate their anticipated lactation needs at work to their manager/supervisor prior to their return to work, if possible; otherwise, immediately upon return to work. Communication should include discussion about the timing of breaks, flex-time/telecommuting options, and other needs. See *Telecommuting, NATL.HR.032*, for detailed requirements.

5.5.2 Supervisor Responsibilities. Supervisors of eligible employees support all eligible employees according to the provisions herein. At a minimum, supervisors are familiar with:

- 5.5.2.1** The requirements of this policy, *Employee Lactation Support*;
- 5.5.2.2** Where to find employee lactation support resources;
- 5.5.2.3** Local lactation room location and procedure for access; and
- 5.5.2.4** Needs of eligible employees. Refer to *Employee Lactation Support Guide* for detailed guidance.
- 5.5.2.5** Refer to Addendum for local requirements that may apply.

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5.5.3 Temporary Accommodations. Supervisors of eligible employees are responsible for implementing temporary accommodations, as required in Section 5.2.3 above. Supervisors collaborate with Local Facilities Services Directors (or equivalent) or Facility Engineers to comply with the requirements described in Section 5.2.3 above.

5.5.4 Breaks and Compensation. As discussed in Section 5.5.3 above, if necessary, supervisors ensure that related policies and applicable pay practices are followed.

5.5.5 Delegation. Supervisors may choose to delegate these responsibilities to a representative to be the primary employee point of contact on behalf of the manager.

5.5.6 Human Resources Service Center (HRSC). When the employee contacts the HRSC for leave administration, the HRSC provides information about lactation support to eligible employees with maternity leave information. At a minimum, this includes a copy of this policy, any materials provided by National Workforce Wellness, and information about who to contact and where to find further information about lactation support upon return to work.

5.5.7 Workforce Wellness.

5.5.7.1 National Workforce Wellness. Development of, and access to, information about lactation support is the responsibility of Workforce Wellness. This includes:

5.5.7.1.1 Developing and maintaining original resource materials such as the *Employee Lactation Support Guide*.

5.5.7.1.2 Maintaining current and functional information as applicable across the organization (e.g., literature, contact lists, etc.).

5.5.7.1.3 Notifying Regional Workforce Wellness, the HRSC, and other staff about updates to, and location of, resource information and materials; providing hard copies as necessary.

5.5.7.2 Regional HR/Employee Wellness Staff support the notification and education of employees about how to access lactation support information and materials developed locally and by National Workforce Wellness. Links to this policy and related information are posted on Regional Workforce Wellness websites. Refer to *National Policy Development, NATL.HPHO.NPA.001*, for requirements on policy communication and implementation.

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6.0 References/Appendices

- 6.1** Appendix A – Glossary of Policy Terms
- 6.2** Addendum – Requirements for KP Work Sites in California
- 6.3** Attachment 1 – Employee Lactation Support Guide
- 6.4** National Policy Development, NATL.HPHO.NPA.001
- 6.5** Telecommuting, NATL.HR.032

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7.0 Approval

This policy was approved by the following representative of Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, and their subsidiaries. Confirmation of approval is on file at the offices of National Policy Services.

Arlene Peasnell, Senior Vice President, Interim Chief Human Resources Officer

Approval Date: December 19, 2019

Policy Revision History

| Original Approval | Update Approvals | Revision Approvals |
|--------------------------------------|------------------------------------|-----------------------------|
| Approval Date: 11/23/2015 | Approval Dates: 10/30/2018 | Approval Dates: |
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Appendix A Glossary of Policy Terms

Campus – A collection of buildings comprising a single work site, such as a medical center or construction site.

Eligible Employee – An employee who wishes to express milk for, or breastfeed, her child 24 months of age or younger after the employee’s return to work.

Expression of Milk – The process of collecting milk from the breast without a baby suckling, which may be performed manually or by using of a manual or automatic pump.

infoZone – The National Facilities Services (NFS) electronic document library containing all information related to the KP Facilities Design Program, architectural drawings, and policies and procedures relevant to planning, designing, and building KP facilities, which is available for use by NFS employees, approved consultants, and vendors. The address for the password-protected website is <http://infoZone.kp.org>.

Rest Period – An uninterrupted 15-minute period of paid time in which an employee is relieved of all work duties. This period is paid time.

Meal Period – An uninterrupted period of time of at least 30 minutes in which an employee is relieved of all work duties. This period is unpaid time.

Return to Work – Point at which an employee resumes work following leave for the birth (or adoption) of a child.

Lactation Support Location – A space where an eligible employee is able to express milk or breastfeed.

Lactation Break – Time required during the workday for an eligible employee to breast feed, express milk, or store milk.

KP Work Site – KP-owned or -leased space where KP employees perform job duties which may be an individual building or a collection of buildings (e.g., a campus, a complex, etc.).

Private Location – Space that is shielded from view and free from intrusion from co-workers and the public.

Reasonable Break Time – Time required by an eligible employee to successfully express milk or breastfeed.

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Addendum

Requirements for KP Work Sites in California

The following additional requirements apply to KP work sites in California:

1. Communication

- This policy is shared with every newly hired employee and with any employee who inquiries about or requests **parental leave**, in any manner, including via My HR.
- Generally, requests for lactation accommodations and responses should be in writing whenever possible.
- Employees should communicate their anticipated lactation needs at work and any needed lactation accommodation in writing to their manager/supervisor prior to their return to work, if possible; otherwise, immediately upon return to work. Communication should include discussion about the timing and length of breaks, flex-time/telecommuting options, and/or other needs. See *Telecommuting NATL.HR.032*, for detailed requirements.
- If KP cannot provide a requested lactation accommodation, KP must provide a written response to the employee.

2. Lactation Space

- a.** In addition to what is outlined in the Employee Lactation Support policy, lactation space must:
 - Have access to a refrigerator in close proximity to employee work area; and
 - Be safe, clean, and free of toxic or hazardous materials.
- b.** Where a KP facility shares space with other employers, KP may provide a space shared among multiple employers within a building or worksite.
- c.** KP shall either provide lactation accommodations or provide a safe and secure location for subcontractor employees, within two business days from receipt of a written request from any subcontractor employer with an employee who requests an accommodation.

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3. Retaliation Related to Breastfeeding or Expressing Milk is Prohibited; Complaints Protected

- KP shall not discharge, or in any other manner discriminate or retaliate against lactating employees for exercising or attempting to exercise rights granted by this policy or applicable federal, state, or local law. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.
- Employees who believe they have been retaliated or discriminated against for requesting a lactation accommodation, or otherwise exercising their rights, can complain to the Compliance Hotline, 1-888-774-9100, or federal or state agencies, including the California Labor Commissioner. KP shall not retaliate against employees for filing any such complaints.

The following additional requirements apply to KP employees at KP work sites in the City of San Francisco:

- This policy is shared with every newly hired employee and with any employee who inquiries about or requests **pregnancy or parental leave**, including via My HR.
- An employee's request may be provided orally or in writing (including by email) and need not be submitted on a specific form.
 - A lactation accommodation request form will be available for download on My HR.
 - Records of requests for Lactation Accommodations that are denied must be maintained for 3 years from the date of request.
 - KP must respond, in writing, to an employee's request for lactation accommodation within five business days. If the response is a denial of the employee's request, or if the lactation support location does not comply with San Francisco law, KP must include in its written response the basis for its denial of the request.
- KP and the employee requesting lactation accommodation must engage in an interactive process to determine the appropriate lactation break period(s) and lactation support location for the employee.
- KP maintains a record of requests for Lactation Accommodation that includes the name of the employee, the date of the request, and a description of how the request was resolved, including any denial.
- Employees working in San Francisco and needing lactation accommodation there have a right to file a complaint with San Francisco's Office of Labor Standards Enforcement for any perceived violation by KP of the Lactation in the Workplace Ordinance. Retaliation for filing any such complaint, or for otherwise exercising rights conferred by the Lactation in the Workplace Ordinance, is prohibited.