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|  <p>HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i></p> <p>PROCEDURE</p> | <p>Department: Human Resources</p> | <p>Procedure No.: HR 0021B</p> |
| | <p>Issued by: Director of Human Resources</p> | <p>Revision No.: N/A</p> |
| <p>Subject: Break Time for Nursing Mothers, Act 249, 2013 Regular Session, and Fair Labor Standards Act (29 U.S.C. § 207(r))</p> | <p>Approved by: </p> <p>By: Alice M. Hall Acting President & CEO</p> | <p>Effective Date: June 19, 2014</p> |
| | | <p>Supersedes Policy: NA</p> <p>Page: 1 of 2</p> |

Last Review: April 23, 2014; Next Review: April 23, 2017

I. **PURPOSE:** To establish procedures to ensure that HHSC is in compliance with the requirements of Act 249, 2013 Regular Session, and the Fair Labor Standards Act (29 U.S.C. § 207(r)).

II. **PROCEDURE:**

A. In accordance with the above-referenced laws, the Corporate Office and all facilities of the Hawaii Health Systems Corporation (HHSC) shall:

1. Provide reasonable breaks for an employee who is a nursing mother to express breast milk for her nursing child for up to one (1) year after the child's birth. The breaks are to be available each time such employee has a need to express milk.
2. Provide a location other than a restroom that is shielded from view and free from intrusion by co-workers and/or the public, to be used by an employee to express milk.
3. Compensate nursing mothers for these breaks as other employees are compensated for their break time. For example, if similarly situated employees who are not nursing mothers are entitled to two paid fifteen (15) minute breaks per work day, nursing mothers shall be permitted to take paid breaks to express milk up to a total of thirty (30) minutes in the aggregate per work day. Any break time in excess of thirty (30) minutes in the aggregate per work day shall be unpaid.
4. Post a notice (see Attachment 1) in a conspicuous place which is accessible to employees and use other appropriate means (i.e., new hire orientation, paycheck inserts, flyers, etc.) to keep employees informed of the protections and obligations under Act 249, 2013.

- B. All HHSC facilities and the Corporate Office shall evaluate the premises in order to identify possible locations that could be utilized by nursing mothers that meet the requirements of the Act.
- C. All HHSC facilities and the Corporate Office shall post the required notice on official bulletin boards, in lunch or break rooms, or in other areas where the notice will be easily visible to employees.
- D. All HHSC managers and supervisors shall exercise sensitivity, discretion, and good judgment when providing the required breaks or when discussing this subject matter with employees and others.
- E. Penalties for Non-Compliance
 - 1. HHSC may be subject to a \$500 fine per violation for failure to comply with Act 249, 2013 Regular Session.
 - 2. Employees may bring a civil action for appropriate injunctive relief, actual damages or both within two (2) years after the occurrence of an alleged violation.
 - 3. Damages may also include reasonable attorney fees.
 - 4. Any alleged violations of the Fair Labor Standards Act (FLSA) may be investigated by the U.S. Department of Labor, which may result in injunctive or other relief against HHSC.
- F. Additional Information
 - 1. Employees who need additional information on Act 249, 2013 Regular Session, may contact their respective Regional Human Resources Office.
 - 2. If an employee is unable to resolve a nursing break issue with his/her respective Regional Human Resources Office, then the employee may contact the Corporate Human Resources Office.

III. **APPLICABILITY:** All HHSC facilities, HHSC staff, regional and corporate boards

IV. **AUTHORITY:** Act 249, 2013 Regular Session
Fair Labor Standards Act (29 U.S.C. § 207(r))

V. **ATTACHMENT:**

- 1) Notice to HHSC Employees, "The Right to Breaks for Nursing Mothers"

NOTICE TO HHSC EMPLOYEES

**Pursuant to the HAWAII EMPLOYMENT PRACTICES LAW
(Act 249, 2013 Regular Session)**

THE RIGHT TO BREAKS FOR NURSING MOTHERS (Effective July 1, 2013)

Under Act 249, 2013 Regular Session, you have the right to reasonable break time to express milk for your nursing child at the workplace, in a location other than the restroom, that is shielded from view and free from intrusion from coworkers and the public, for one year after the birth of your child. Such breaks must be made available to you each time you have a need to express milk.

Employers who fail to comply with Act 249, 2013 Regular Session, will be subject to a \$500 fine per violation and may be liable for damages suffered by an employee.

If you believe that your employer has violated this law, you may bring a civil action for appropriate injunctive relief, actual damages, or both in the appropriate court, within two (2) years of the occurrence of an alleged violation. Damages may include attorney fees.

This notice provides general background information on the Hawaii Employment Practices Law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult your attorney.

FOR MORE INFORMATION on Act 249, 2013 Regular Session, please contact your respective Regional Human Resources Director. If you are unable to resolve a nursing break issue with your Human Resources office, please contact the Corporate Human Resources staff at (808) 733-4159.

Act 249, 2013 Regular Session, requires employers to post a notice in a conspicuous place accessible to employees providing information about this employment practice.

Rev. 1/30/14