
 HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i> PROCEDURE	Department: Human Resources	Procedure No.: HR 0021B
		Supersedes Procedure No.:
Subject: BREAK TIME FOR NURSING MOTHERS	Approved By:  By: Linda Rosen, M.D., M.P.H. Its: President and CEO	Approved Date: January 27, 2022
		Last Reviewed: October 1, 2021

I. PURPOSE:

To establish procedures for the administration of Hawaii Health Systems Corporation's (HHSC) Break Time for Nursing Mothers Policy (HR 0021A).

II. PROCEDURES:

A. In accordance with applicable law, the HHSC Corporate Office and all HHSC facilities shall:

1. Provide reasonable breaks for up to one (1) year from the date of the child's birth for an Employee who is a nursing mother to express breast milk.
2. Provide a location for use by an Employee to express milk, other than a restroom, that is shielded from view and free from intrusion by co-workers and the public.
3. Compensate nursing mothers for these breaks in the same manner as other Employees are compensated for their break time. For example, if an Employee who is not a nursing mother is 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 the official HHSC notice (see Attachment 1) in a conspicuous place that is accessible to employees (i.e., official bulletin boards, lunch or break rooms, or other areas where the notice shall be visible to Employees, etc.) and use other appropriate means (i.e., new hire orientation, paycheck inserts, flyers, etc.) to keep Employees informed of the protections and obligations under applicable state and federal law.

B. All HHSC facilities and the HHSC Corporate Office shall evaluate the premises and identify locations that could be utilized by nursing mothers that meet the requirements of the law.

C. 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.

D. Additional Information

1. Employees who need additional information related to this policy may contact their respective Regional Human Resources Office.
2. If an Employee is unable to resolve an issue under this policy with their responsible Regional Human Resources Office, the Employee may contact the Corporate Human Resources Office.

III. ATTACHMENT(S):

Attachment 1: Notice to HHSC Employees, "The Right to Breaks for Nursing Mothers"

NOTICE TO HHSC EMPLOYEES

**Pursuant to the HAWAII EMPLOYMENT PRACTICES LAW
(Chapter 378, Hawaii Revised Statutes (HRS))**

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

Under Chapter 378, Hawaii Revised Statutes (HRS), 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 shall be made available to you each time you have a need to express milk.

Employers who fail to comply with Chapter 378, HRS, shall 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 Chapter 378, HRS, please contact your responsible Regional Chief Human Resources Officer. If you are unable to resolve a nursing break issue with your Human Resources office, please contact the HHSC Corporate Human Resources office at (808) 733-4036.

Chapter 378, HRS, requires employers to post a notice in a conspicuous place accessible to employees providing information about this employment practice.

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