

Mother-Friendly Workplace

10/25/16

As part of our interest based bargaining agreements, the District and PAT have arrived at a joint consensus on new contract language entitled “mother-friendly workplace”. Here is that contract language:

The District shall comply with State and Federal Laws concerning nursing mothers. The District shall post the administrative directive on nursing mothers (5.50.059-AD) at each site and shall include this administrative directive in the new hire materials and maternity leave paperwork.

If feasible, nursing mothers shall take the rest periods to express milk at the same time as the break times or meal periods that are otherwise provided to the professional educator. When not feasible, coverage shall be provided.

Administrators may ask Site Support Instructors to provide coverage, with no additional compensation. If a Site Support Instructor is not available, Administrators may ask other professional educators to voluntarily provide coverage. When a professional educator (other than a Site Support Instructor) voluntarily agrees to provide coverage, time in consideration of work missed while providing coverage shall be scheduled outside of the standard work day at a time mutually agreed to between the professional educator and the Administrator and shall be paid at the professional educator’s per diem hourly rate of pay for such time.

Unfortunately, the District decided not to ratify this consensus agreement last spring. We expect it to be included in our next consensus lab in early December and then brought to the membership and the Board of Education for a vote. Nevertheless, much of this agreement is based on State and Federal law that is currently in effect. [Click here for a link](#) to a comparison of both laws.

Two key sections of the laws involve time for expressing milk and also space for expressing milk. Here is a comparison of these sections of the laws:

Topic	Oregon Law	Federal Law
Time for expressing milk	Up to 30 minutes per 4 hours of working	Requires reasonable break time for an employee to express breast milk for her nursing child ... each time the employee has the need to express the milk.
Space for expressing	The location must be in close proximity to the employee’s work area, and	“Employers are required to provide a place, other than a bathroom, that is

milk

cannot be a toilet stall or restroom. Businesses would not necessarily have to have a dedicated lactation room. A vacant office or conference room could suffice, so long as it is private. A cubicle is not considered private.

shielded from view and free from intrusion from coworkers and the public.

A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed in order to meet the statutory requirement.

A space temporarily created or converted into a space or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from intrusion from co-workers and the public."

The District is obligated to follow both laws.

Until the new contract language is ratified, there is no governing language for finding coverage for the mother. That is the responsibility of the administration. PAT members may be asked to assist, but are not obligated to do so (with the exception of site-support instructors). The consensus agreement can be used as a template for working through issues around coverage.