

1 Approved:

2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 19- 051

8
9 RELATING TO LACTATION BREAKS FOR NURSING MOTHERS AND CREATING
10 SCC 3A.06.090

11
12 WHEREAS, Section 7 of the Fair Labor Standards Act (FLSA) requires
13 employers to provide reasonable break time for an employee to express milk for her
14 nursing child for one year after the child's birth each time such employee has need to
15 express the milk; and

16
17 WHEREAS, employers are also required to provide a space, other than a
18 bathroom, that is shielded from view and free from intrusion from coworkers and the
19 public, which may be used by an employee to express milk; and

20
21 WHEREAS, Snohomish County complies with federal law and currently allows an
22 employee who is a nursing mother reasonable break time to express milk after the birth
23 of her child for up to one year; and

24
25 WHEREAS, Snohomish County seeks to provide additional support for nursing
26 mothers by providing an additional thirty minutes per eight hour shift of compensated
27 break time to express milk and by increasing the amount of time covered from one year
28 to eighteen months;

29
30 BE IT ORDAINED:

31
32 NEW SECTION. A new section is added to Snohomish County Code Chapter 3
33 as follows:

34
35 **3A.06.090 Lactation breaks for nursing mothers.**

36
37 The county executive, or his or her designee, shall implement a lactation policy for
38 nursing mothers that is in compliance with state and federal laws, applicable to full and
39 part-time employees, and permits employees to use up to thirty (30) minutes of
40 compensable time during their regularly scheduled work day for the purpose of
41 expressing breast milk for the first eighteen (18) months after delivery of a child. The
42 thirty (30) minutes of compensable time shall be in addition to any compensatory break
43 time the employee is entitled to.

47 PASSED this ____ day of _____, 2019.

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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

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Chairperson

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54 ATTEST:

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Asst. Clerk of the Council

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58

59 () APPROVED

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61 () EMERGENCY

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63 () VETOED

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DATE: _____

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County Executive

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69 ATTEST:

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74 Approved as to form only:

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Maive Gallagher

Deputy Prosecuting Attorney

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SNOHOMISH COUNTY COUNCIL

EXHIBIT LIST

Public Hearing: Ord. 19-051 RELATING TO LACTATION BREAKS FOR
NURSING MOTHERS AND CREATING SCC
3A.06.090 (ECAF 68489)

Date/Time: Public Hearing set for 10/2/19; 10:30 a.m.

Staff Person: Jim Martin

DPA: Marie Gallagher

-
1. 08/27/19 ECAF
 2. 09/04/19 Ordinance Intro slip signed
 3. 09/06/19 Council Staff Report
 4. May 2015 Rules Regarding Break Time for Nursing Mothers
 5. Proposed Rules Regarding Break Time for Nursing Mothers

LOG NUMBERS
BGT. 8/19/19 CEO 20068489, AUG 23 2019

EXECUTIVE/COUNCIL APPROVAL FORM

MANAGEMENT ROUTING:
EXECUTIVE Dave Somers
EXEC. DIR. Susan Neely
DIRECTOR/ELECTED _____
DEPARTMENT Executive's Office
DIV. MGR. _____
DIVISION _____
ORIGINATOR Alessandra Durham
DATE August 19, 2019 EXT 3920

TO: COUNCIL CHAIRPERSON:
SNOHOMISH COUNTY COUNCIL **Exhibit 1**
Ord 19-051

EXECUTIVE RECOMMENDATION:
 Approve No Recommendation
 Further Processing
 Requested By _____

Susan Neely **SUSAN NEELY**
Executive Office Signature Executive Director 8/26/19
CEO Staff Review Cap **AUG 23 2019**
Received at Council Office 10:00 8/27/19

DOCUMENT TYPE:

BUDGET ACTION:
 Emergency Appropriation
 Supplemental Appropriation
 Budget Transfer
 CONTRACT:
 New
 Amendment
 GRANT APPLICATION
 ORDINANCE
 Amendment to Ord. # _____
 PLAN
 OTHER

DOCUMENT / AGENDA TITLE:

Ordinance 19- 051, relating to lactation breaks for nursing mothers and creating SCC 3A.06.090.

APPROVAL AUTHORITY:

EXECUTIVE _____ COUNCIL
CITE BASIS **Snohomish County Charter 2.110**

HANDLING: NORMAL EXPEDITE _____ URGENT _____ DEADLINE DATE _____

PURPOSE:

To create a new section of Snohomish County Code titled SCC 3A.06.090 Lactation breaks for nursing mothers.

BACKGROUND:

Snohomish County complies with federal law and allows an employee who is a nursing mother reasonable break time to express milk after the birth of her child for up to twelve months. In addition to break time, Snohomish County provides employees with a place to express milk that is shielded from view and free from intrusion from coworkers and the public.

Employees must work with their supervisors to determine the appropriate location and estimated number of and duration of breaks. If employees use their regularly scheduled break time to express milk the amount of regular break time will be compensated. If an employee uses additional time, the amount of time used in excess of their break time will not be compensable work time.

The break time requirement for nursing mothers is found in the Patient Protection Affordable Care Act. This law amended Section 7 of the Fair Labor Standards Act (FLSA).

Snohomish County's Rules Regarding Break Time for Nursing Mothers was last updated in May 2015 and are not codified.

The attached proposed ordinance codifies the following changes to current practice:

1. An increase in reasonable break time for employees who are nursing mothers from up to twelve months to up to eighteen months.
2. Employees who are nursing mothers will be permitted up to an additional thirty minutes of compensated time per shift to express milk. Time in excess of thirty minutes will not be compensable work time. Employees will be encouraged to work with their supervisors to determine potential to flex their schedules in order to avoid uncompensated time stemming from reasonable break time to express milk.

A copy of the county executive's proposed lactation policy for nursing mothers is attached to this ordinance for the council's reference.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES:

BUDGET REVIEW: Analyst OM Administrator ME Recommend Approval ✓

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT # _____ AMOUNT \$ _____
 AMENDMENT _____ CONTRACT # _____ AMOUNT \$ _____

CONTRACT PERIOD:

ORIGINAL Start _____ End _____
 AMENDMENT Start _____ End _____

CONTRACT / PROJECT TITLE:

CONTRACTOR NAME & ADDRESS (City/State only):

APPROVED:

RISK MANAGEMENT Yes NA No _____

COMMENTS _____

PROSECUTING ATTY - AS TO FORM: Yes ✓ No _____

OTHER DEPARTMENTAL REVIEW / COMMENTS:

ELECTRONIC ATTACHMENTS : (List & include path & filename for each, e.g. G:\ECAF\deptname\docname_Motion)

G:\ECAF\Council\20068489-ECAF.doc
 - Ordinance.docx
 - Current Lactation Policy.pdf
 - Proposed Lactation Policy.docx

NON-ELECTRONIC ATTACHMENTS:

ORDINANCE INTRODUCTION SLIP

TO: Clerk of the Council

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 2

TITLE OF PROPOSED ORDINANCE:

FILE ORD 19-051

RELATING TO LACTATION BREAKS FOR NURSING MOTHERS AND CREATING SCC
3A.06.090



Councilmember

9-4-19

Date

Clerk's Action:

Proposed Ordinance No. 19-051

Assigned to: Finance Committee

Date: 9.9.19

STANDING COMMITTEE RECOMMENDATION FORM

The following action item was considered by Finance Committee
(name of Committee)

on 9/10/19. By a vote of 6 Yeas and 1 Nays, the
(date)

Committee makes the following recommendation:

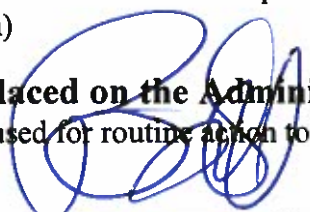
- Move to Council to schedule public hearing 6/5 9/11/19
- Move to Council as amended to schedule public hearing
- Move to Council with no recommendation

This item should/should not be placed on the Consent Agenda.

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

This item should/should not be placed on the Administrative Matters Agenda

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)



Committee Chair



Snohomish County Council

Committee: Finance
ECAF: #68489
Proposal: Ordinance 19-051

Analyst: Jim Martin
Date: September 6, 2019

Consideration:

Relating to lactation breaks for nursing mothers and creating SCC 3A-06-090.

Background

Snohomish County's rules regarding break time for nursing mothers was last updated in May of 2015, and is not codified. The current practice is to allow allows an employee who is a nursing mother reasonable break time to express breast milk after the birth of her child for up to one year. Policy also allows for the use of compensable break time for the purpose of expressing milk, but additional time beyond the permitted break time is non-compensable. For example, if the employee is permitted a 15 minute break in the morning, but uses 30 minutes to express milk, only the 15 minutes of permitted break time in compensable, with the remaining 15 minutes being non-paid time.

The proposed ordinance would codify County policy and would also increase the length of time an employee who is nursing to 18 months. It would also allow for up to an additional 30 minutes per day of compensable break time for this purpose.

Current Proposal

Approval of this Ordinance would create Snohomish County Code, section 3A.06.090 Lactation breaks for nursing mothers.

2019 Budget:

Is this in the current year budget: N/A

Future Budget Impacts: None.

Handling: Normal.

Approved-as-to-form: Yes.

Risk Management: Yes.

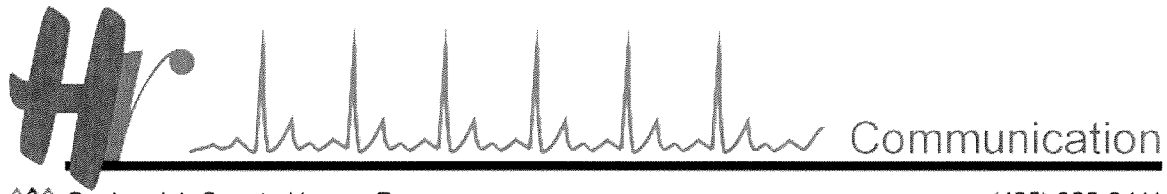
Executive Recommendation: APPROVE.

Attachments: Refer to the submitted ECAF that includes the following attachments:

- (1) Proposed Ordinance
- (2) Proposed lactation policy

Amendments: NONE.

Request: Move to GLS, September 11th to set date and time for public hearing.



Snohomish County Human Resources

(425) 388-3411

May 2015

Rules Regarding Break Time for Nursing Mothers

Snohomish County complies with federal law and allows an employee who is a nursing mother reasonable break time to express breast milk after the birth of her child for up to one year. In addition to break time, Snohomish County will provide the employee with a place to express breast milk that is shielded from view and free from intrusion from coworkers and the public. The County understands that on average nursing mothers will need to express milk two to three times in an eight hour shift.

An employee needing break time to express milk should engage in a discussion with her supervisor to determine the appropriate location and the estimated number and duration of breaks. The County has a private room available for lactation purposes located off of the women's restroom on the basement level of the Admin West Building. There may be a space available closer to your work location that can be temporarily converted for this purpose as well by using curtains or dividers.

If you use your regularly scheduled break time to express milk the amount of regular break time will be compensated. If you use any additional time that time will not be compensable work time.

For example: If you are permitted a 15 minute break every morning and use this time to express milk, but the total time you are absent is 30 minutes. The 15 minute break is compensable and the additional 15 minutes is not.

The break time requirement for nursing mothers is found in the Patient Protection Affordable Care Act. This law amended section 7 of the Fair Labor Standards Act (FLSA). The Department of Labor provides additional information at <http://www.dol.gov/whd/nursingmothers/>

If you have questions please contact Human Resources at 425.388.3411.

Rules Regarding Break Time for Nursing Mothers

Snohomish County complies with federal law and allows an employee who is a nursing mother reasonable break time to express breast milk after the birth of her child for up to eighteen (18) months. In addition to break time, Snohomish County will provide the employee with a lactation area to express breast milk. A lactation area is a space that is either available, dedicated, or temporarily established to accommodate the needs of those who are breastfeeding. The lactation area must be shielded from view and free from intrusion from coworkers and the public. The County understands that on average nursing mothers will need to express milk two to three times in an eight hour shift.

An employee needing break time to express milk should engage in a discussion with her supervisor to determine the appropriate lactation area and the estimated number and duration of breaks. There is a lactation area available for lactation purposes located off of the women's restroom on the basement level of the Admin West Building. Nursing mothers may access this space by requesting the key at the information desk located on the first floor of the Robert J. Drewel Administration Building. There may be a lactation area available closer to your workspace that can be temporarily converted for this purpose as well by using curtains or dividers or other means.

If you use your regularly scheduled break time to express milk the amount of regular break time will be compensated. In addition, you will be permitted up to an additional 30 minutes of compensated time per shift to express milk for up to eighteen (18) months. If you use any additional time, that time will not be compensable work time. You are encouraged to work with your supervisor to determine the potential to flex your schedule in order to avoid uncompensated time stemming from reasonable break time to express milk.

Example: If you are permitted a paid 15 minute break in the morning and a paid 15 minute break in the afternoon, you use this time to express milk, and the total time you are absent is 30 minutes in the morning and 30 minutes in the afternoon, you will be compensated for your two regular 15 minute breaks and an additional 30 minutes for lactation. Additional time would not be compensated

The break time requirement for nursing mothers is found in the Patient Protection Affordable Care Act. This law amended section 7 of the Fair Labor Standards Act (FLSA). The Department of Labor provides additional information at <http://www.dol.gov/whd/nursingmothers/>

If you have questions please contact Human Resources at 425.388.3411