

Infants and Breastfeeding in the Workplace

In accordance with Utah Code §34-49-202, Nursing Mothers in the Workplace, which governs public employers, the school has established these internal protocols to support employees who indicate a desire to breastfeed. They are intended to alleviate the burden on employees who have infants under 3 months old and cannot, for whatever reason, arrange for childcare, or who are breastfeeding.

Procedures for Breastfeeding During the Workday

Per Utah Code § 34-49-202 and when requested, the school will implement the following to support an employee who is breastfeeding or expressing milk to support breastfeeding after the birth of an employee's child:

- Provide reasonable breaks for an employee who needs to breastfeed or express milk;
- Provide access to a room with privacy and in close proximity to the employee's work area for the purpose of breastfeeding or expressing milk;
- Provide a refrigerator or freezer for the storage of breast milk;
- Support in every reasonable way an employee's opportunity to breastfeed;
- Prohibit a public employer from discriminating against an employee who is breastfeeding or expressing milk in the workplace.
- Consult with the employee to determine the frequency and duration of the breaks.
- Ensure that required breaks shall, to the extent possible, run concurrent with a break period otherwise provided to the employee.

Anti-Discrimination Statement

The school does not and will not discriminate against an employee who is breastfeeding or expressing milk in the workplace. Per Utah Code § 34-49-204, the school will not "refuse to hire, promote, discharge, demote, or terminate a person, or may not retaliate against, harass, or discriminate in matters of compensation in terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace."

Limitations

State law does not require the school to comply with the requirement to provide a room or other location to breastfeed or express milk if doing so would impose an undue hardship on the school. State Law defines hardship as something that would cause significant difficulty or expense in relation to size, financial resources, structure, or the nature of an employer's operations.

Procedures for Determining Whether an Infant Is Allowed on Campus

A full-time employee may make a formal, written request to the Executive Director to have that employee's under 6-month-old infant in the workplace on a case-by-case basis when a daycare is not available on campus. Upon receipt of a written request, the Executive Director will determine if the request can be granted based on:

- The nature of the individual's job responsibilities and whether these responsibilities allow for full execution of the employee's responsibilities with the infant in attendance;
- The age and disposition of the infant;
- The adequacy of supportive plans presented by the employee, including plans for an infant's fussiness, changing, illness, feedings, sleep environment, etc.

The employee's supervisor will conduct an observation of duties and requirements prior to the child's presence on campus and then after the child is present in a classroom or other area of the school to determine the feasibility of the employee's ability to fully perform duties with the child present. The supervisor will examine the impact on the ability of the employee to fulfill work obligation and the impact on the experience of students and colleagues in the employee's class or work area before making specific recommendations to the Executive Director.

Procedures When Permission is Granted

In cases where permission is granted for an infant age 0-6 months to be present on campus during the school day outside of a formal daycare program:

- The supervisor will work with the employee to come up with a diapering and feeding plan or schedule and a back-up plan for situations in which the child may need to be removed from the classroom setting.
- The plan will clearly comply with the requirement that any care or attention required by the child is the responsibility of the parent and may not be regularly delegated to another employee.
- Back-up volunteers will be secured to assist in emergency situations. Such service should be clearly defined as a voluntary role and is not a responsibility to be assigned to an assistant or colleague.

Additional Allowances

For infants not regularly in the workplace with an agreed-upon plan, particular emergency situations may also allow for a child to be present for a limited number of hours or days when other childcare options are unavailable. If an emergency accommodation is being sought, the employee must notify the office and the employee's supervisor if a child will be present. If the need extends for more than 4 days within the school year, alternate plans will need to be made.

Liability for an Infant on Campus

The child on site will not be considered a student at the school for purposes of daycare licensing, immunization requirements, etc. A signed waiver of responsibility for supervision of or responsibility for any adverse event related to the infant while on school premises will be signed by the responsible employee/parent(s).

Limitations for an Infant on Campus

Should the supervisor determine at any point that the arrangement is no longer feasible for the well-being of the class, students, or colleagues, the supervisor will make a specific report to the Executive Director who will decide what changes need to be made,

or the employee will be given two weeks' notice in which to make alternative childcare arrangements.