

Maryland Judicial Branch

2.1.2 POLICY ON LACTATION BREAKS

(a) Purpose and Scope

(1) Purpose

The purpose of this policy is to provide the necessary accommodations for expressing milk during work hours for employees who are breastfeeding for up to one year after the birth of a child.

(2) Scope

(A) This policy applies to:

- (i) employees who are paid through the Central Payroll Bureau of the Comptroller; and
- (ii) employees of the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.

(B) This policy does not apply to:

- (i) locally funded employees in the circuit courts;
- (ii) employees of the Attorney Grievance Commission and the Client Protection Fund;
- (iii) employees of the Register of Wills or the Orphans' Court.

(b) Definitions

(1) Administrative Head:

- (A) For the Supreme Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Justice for all other employees of that Court;
- (B) For the Appellate Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Judge for all other employees of that Court;
- (C) For the circuit courts, the Clerk of the Court for all employees under the Clerk's supervision and the County Administrative Judge for all state employees under their supervision;
- (D) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or the Administrative Clerk for all employees under their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For units, the head of the unit where the employee works; or,
- (G) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

(2) Judiciary Human Resources Division (JHRD) – The division within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human resources policy development, administration, and interpretation; talent acquisition; employment and orientation services; employee benefits; position classification and salary administration; employer-employee relations; and judicial services and information privacy.

(3) Personal Care Room – A room, other than a restroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(4) Pregnant Workers Protection Act (PWFA) – A federal law that provides certain rights and protections to employees who are experiencing limitations in the performance of their job duties caused by pregnancy, childbirth, or a related medical condition.

(5) PUMP for Nursing Mothers Act (PUMP Act) – The Providing Urgent Maternal Protections for Nursing Mothers Act is a federal law that provides nursing employees the right to receive break time to pump and a private place to pump at work.

(c) Policy Statement

The Judicial Branch provides reasonable break times for lactation and a clean, private space, other than a restroom, for employees to express milk for their infant for up to one year after the child's birth, in accordance with the Fair Labor Standards Act, as extended by the PUMP for Nursing Mothers Act (PUMP Act), and related laws which protect an employee's right to express milk upon returning to work after childbirth. The frequency of breaks needed to express milk as well as the duration of each break may vary.

(d) Personal Care Room

- (1)** The Administrative Head shall designate a private personal care room, other than a restroom, for the location to be used for lactation breaks. An employee may contact their Administrative Head for instructions on how to reserve the room.
- (2)** The room must be comfortable, climate controlled, well lit, shielded from view, functional for expressing milk, and has an interior lock that cannot be accessed by coworkers or the public. The room must also contain:
 - (A) A place for the employee to sit,
 - (B) A flat surface, other than the floor, on which to place the pump, and
 - (C) Access to electricity to allow the employee to plug in an electric pump.
- (3)** The time in the personal care room should be limited to the specific time for which the room was reserved so that it may be available for others to use.
- (4)** Employees are required to leave the room in an orderly state for other employees. Any issues with the condition of the room should be reported to the Administrative Head.

(e) Lactation Breaks

- (1)** An employee may have reasonable breaks during an eight (8)-hour shift, including when teleworking, to express milk that are coordinated with the employee's supervisor or manager to ensure minimal disruption of work.
 - (A) The number and length of breaks may vary depending on the needs of the employee or infant.
 - (B) The need for more frequent or lengthy breaks may warrant an accommodation under the Pregnant Workers Fairness Act (PWFA) and should be handled as such by the employee and their Administrative Head.
 - (C) The break may be long enough to allow the employee to complete the following:
 - (i) Set up the pump;
 - (ii) Pump for a time period of 15-20 minutes (which may vary);
 - (iii) Clean the pump and store the expressed milk.
- (2)** An employee may use existing designated paid break periods for lactation breaks. In the event an employee needs time in addition to existing paid break periods and the time provided under section (f), they should consult with their Administrative Head about appropriate accommodations.
 - (A) An employee may use their existing designated paid breaks without using accrued leave.
 - (B) An employee also may use their unpaid lunch break for this purpose.
- (3)** To ensure minimal disruption to the workplace, it is crucial for an employee and their supervisor or manager to have open communication. The supervisor or manager should discuss the following with the employee:

- (A) The amount of time that will be needed for lactation breaks and plan how to incorporate lactation breaks into the workday;
- (B) Adjustments to the schedule and the use of accrued leave or other accommodations.

(f) Guidance

- (1)** Employees who need lactation breaks may use a total of one (1) hour of paid break time for lactation during an eight (8)-hour shift for up to one (1) year after a child’s birth.
 - (A) Employees may also use their unpaid lunch break for this purpose.
 - (B) If additional breaks are needed, the employee and Administrative Head may contact the JHRD for further guidance.
- (2)** The JHRD can provide further guidance on this topic, including requests for accommodations under the PWFA and on other policies or guidelines that may apply. Please contact:
Judiciary Human Resources Division
Attention: Employee Relations, and Compliance
187 Harry S. Truman Parkway
Annapolis, Maryland 21401
er@mdcourts.gov.

(g) Exceptions

The Chief Justice of the Supreme Court of Maryland or the State Court Administrator may make exceptions to any provision of this policy.

(h) Interpretive Authority

The JHRD is responsible for interpretation of this policy.

(i) Not a Contract

This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.