

SUBCHAPTER 1N - WORKPLACE ENVIRONMENT AND HEALTH

SECTION .0100 - STATE EMPLOYEES WORKPLACE REQUIREMENTS PROGRAM FOR SAFETY AND HEALTH

25 NCAC 01N .0101 PURPOSE

History Note: Authority G.S. 95-148; 126-4(5),(10); Executive Order No. 6; Eff. December 1, 1985; Amended Eff. January 1, 1989; Repealed Eff. February 1, 1993.

25 NCAC 01N .0102 POLICY

History Note: Authority G.S. 95-148; 126-4(5)(10); Executive Order No. 6; Eff. December 1, 1985; Repealed Eff. November 1, 1988.

25 NCAC 01N .0103 PROGRAM REQUIREMENTS

History Note: Authority G.S. 95-148; 126-4(5)(10); Executive Order No. 6; Eff. December 1, 1985; Repealed Eff. May 1, 1989.

25 NCAC 01N .0104 PROGRAM ADMINISTRATION

(a) The Office of State Human Resources shall monitor agency (as defined in 25 NCAC 01A .0103) compliance with the State Employee Workplace Requirements Program for Safety and Health by providing consultative and technical services that include:

- (1) technical assistance in the design and development of written safety and health programs and operative safety committees as well as assessment of specialized workplace hazards;
- (2) periodic inspection of state operations to ensure the identification and control of hazardous workplace environments and unsafe work practices that could endanger state employees;
- (3) maintenance of a State Employee Safety and Health Handbook describing the responsibilities of employees and outlining the basic rules for working safely in state government;
- (4) investigation of work-related fatalities and major lost workday injuries and illnesses to ensure that agencies have program elements in place to control specific hazards;
- (5) coordination of training programs for designated agency safety and health directors and officers.
- (6) a systematic evaluation of state agencies to ensure compliance with written program and safety committee requirements.

To assist the Office of State Human Resources, a State Steering Committee, composed of program staff from state agencies, shall be appointed to recommend program changes, goals, and solutions to problems. Any additions or changes to the administrative or workplace requirements procedures will occur only after consultation with the State Steering Committee.

(b) Annually, the Office of State Human Resources shall prepare a report for the Governor, the State Human Resources Commission, and all state agencies, which will assess compliance with program requirements, committee effectiveness, recommended changes to enhance program, and a statistical analysis of work-related injuries and illnesses and compensation cost.

(c) The State Human Resources Commission shall comply with the provisions set forth in G.S. 143-583.

History Note: Authority G.S. 95-148; 126-4(5),(10); 143-580 through 143-584; Executive Order No. 6 (1985); Eff. December 1, 1985; Amended Eff. April 1, 2006; February 1, 1993; September 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0105 STATE AGENCY RESPONSIBILITIES

- (a) Each state agency shall have a written State Employee Workplace Requirements Program for Safety and Health consistent with the State Human Resources Commission's model program and its procedural requirements. Written components of the program shall at a minimum contain the program requirements set forth in G.S. 143-582.
- (b) Each state agency shall establish safety and health committees comprised of a mix of management and non-management personnel in order to address safety and health issues through their input and with the most efficient use of resources and expertise.
- (c) The Safety and Health Committee shall be established in compliance with 13 NCAC 07A .0605.
- (d) A state agency with field forces must ensure field operations staff safety and health issues are represented on the safety and health committee by a member(s) of that group.
- (e) The agency Safety and Health Director or Officer or designee shall serve as ex-officio member with voting rights on the Committee(s).
- (f) The agency shall establish a procedure by which Employee Safety and Health Representatives can be selected or appointed.
- (g) The Chairperson of the Safety and Health Committee may be appointed by the agency head or elected by the members. Secretarial services are to be provided to the Chairperson to carry out his or her duties.
- (h) Each state agency shall verbally notify the Office of State Human Resources Workplace Requirements Program for Safety and Health within eight hours after the death of any N.C. State Government employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident. A summary accident investigation report and Death Claim Notice Form shall be filed within five days of knowledge of the death.

History Note: Authority G.S. 95-148; 126-4(5),(10); 143-580 through 143-584; Executive Order No. 6 (1985); Eff. February 1, 1993; Amended Eff. April 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0106 COMMITTEE RESPONSIBILITIES

The Safety and Health Committee(s) shall perform the following functions as well as any other functions determined by the State Human Resources Commission to be necessary for the effective implementation of the State Employees Workplace Requirements Program for Safety and Health:

- (1) Review safety and health policies and procedures established by the agency as needed.
- (2) Review incidents involving work-related fatalities, injuries, illnesses or near-misses.
- (3) Review employee complaints regarding safety and health hazards.
- (4) Analyze the agency's work injury and illness statistical records.
- (5) Conduct inspections or ensure that safety and health inspections of the worksites are conducted and documented at least annually or more frequently as required by regulatory codes or standards. Ensure responses to complaints regarding safety and health hazards are provided and address process for corrective action.
- (6) Ensure that interviews with employees are conducted in conjunction with inspections of the workplace.
- (7) Ensure that agency's training records are reviewed to ensure compliance with regulatory training requirements.
- (8) Conduct meetings at least once every three months. Maintain written minutes of such meetings and send copy to each committee member. Copy of minutes shall be posted to ensure availability to all employees in the workplace.
- (9) Designate Employee Safety and Health Representative(s) to accompany representatives from regulatory agencies (i.e. NC Department of Agriculture, NC Department of Health and Human Services, NC Department of Labor Occupational Safety and Health Division, NC Department of Insurance, NC Department of Environment and Natural Resources, etc.) during environmental, safety and health inspections of the workplace.
- (10) Make written recommendations (Example: for elimination of hazards and improvement in occupational safety and health) on behalf of the Committee to the agency head.

History Note: Authority G.S. 95-148; 126-4(5),(10); 143-580 through 143-584; Executive Order No. 6 (1985); Eff. February 1, 1993;

Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0107 STATE EMPLOYEES' RESPONSIBILITIES

(a) Each supervisor shall provide safe working conditions for each subordinate, know safety and health guidelines, provide for employee's safety and health training, provide required personal protective equipment, report and investigate accidents, advise management of any unsafe work environment(s) or condition(s) and effect corrective actions and interim controls for hazardous work environments under their control.

(b) Each employee shall conduct his or her own work in a safe manner to protect him or herself, fellow employees and the public; make recommendations to improve safety and health in the workplace and notify the supervisor of any accident involving injury, illness, or near-miss to him or herself or to others.

History Note: Authority G.S. 95-148; 126-4(5),(10); 143-580 through 143-584;
Executive Order No. 6 (1985);
Eff. February 1, 1993;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

SECTION .0200 - PERSONAL PROTECTIVE EQUIPMENT

25 NCAC 01N .0201 RESERVED FOR FUTURE CODIFICATION

25 NCAC 01N .0202 APPLICATION

History Note: Authority G.S. 126-4;
Eff. July 1, 1995;
Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01N .0203 EQUIPMENT

History Note: Authority G.S. 126-4;
Eff. July 1, 1995;
Repealed Eff. April 1, 2006.

25 NCAC 01N .0204 HAZARD ASSESSMENT AND EQUIPMENT SELECTION

25 NCAC 01N .0205 TRAINING

25 NCAC 01N .0206 PERSONAL PROTECTIVE EQUIPMENT

History Note: Authority G.S. 126-4;
Eff. July 1, 1995;
Amended Eff. April 1, 2006;
Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .0300 - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) IN THE WORKPLACE

25 NCAC 01N .0301 EDUCATION AND TRAINING

25 NCAC 01N .0302 BASIC EDUCATION AND TRAINING COMPONENT

25 NCAC 01N .0303 ADVANCED EDUCATION AND TRAINING COMPONENT

History Note: Authority G.S. 126-4;
Eff. November 1, 1990;
Amended Eff. June 1, 1992; March 1, 1992; May 1, 1991;
Recodified from 25 NCAC 01L .0201 Eff. December 29, 2003 (.0301);

*Recodified from 25 NCAC 01L .0202 Eff. December 29, 2003 (.0302);
Recodified from 25 NCAC 01L .0203 Eff. December 29, 2003 (.0303);
Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.*

25 NCAC 01N .0304 ANTI-DISCRIMINATION

It is the State's policy not to discriminate against any applicant or employee who has or is suspected of having AIDS or HIV infection. The State recognizes that an employee with AIDS or HIV infection may wish to continue working. As long as an employee is able to satisfactorily perform the duties of the job [G.S. 168A-3(9), 130A-148(i)] and there is no medical indication that the employee's condition is a health threat to co-workers or the public, an employee shall not be denied continued employment nor shall any applicant be denied employment solely because of the medical condition.

*History Note: Authority G.S. 126-4; 130A-148C(i); 168A-3(9);
Eff. November 1, 1990;
Recodified from 25 NCAC 01L .0204 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0305 TESTING AND EXAMINATION

Medical tests and examinations to determine the presence of HIV or HIV associated conditions are prohibited except as authorized by state and federal law or required by the rules of the Commission for Public Health (see 15A NCAC 19A, Section .0200). An employee who suspects that, having had a nonsexual blood or body fluid exposure to the HIV virus while on the job, may voluntarily elect to be tested for the HIV infection, provided that the suspected exposure poses a significant risk of transmission of HIV as defined in the rules of the Commission for Public Health. The employer will pay for the cost of test(s) for the exposed employee, providing the employee consents to the testing agency selected by the employee. Some employees may prefer to pay for their own test through a personal or family physician, or use the free testing services of a Public Health Department. An employee choosing to have the test made by someone other than the testing agency selected by the employer must bear the cost of the test himself.

*History Note: Authority G.S. 126-4;
Eff. November 1, 1990;
Recodified from 25 NCAC 01L .0205 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0306 CONFIDENTIALITY

Confidentiality shall be maintained by the agency for any employee with HIV or HIV associated conditions as required by existing confidentiality rules and laws. Any current confidentiality policies that are in force shall be updated by the agency to include the HIV policy.

*History Note: Authority G.S. 126-4;
Eff. November 1, 1990;
Recodified from 25 NCAC 01L .0206 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0307 COMPLAINTS AND DISCIPLINE

The State acknowledges that employees with HIV infection as well as their co-workers may have concerns for their own health and safety. Managers are to pursue all appropriate actions to respond to the concerns of all employees. The state recognizes the rights of employees to grievance procedures. The employer has an equal right to maintain a harmonious and productive work environment that is free from disruptive or inconsiderate behavior, or from the refusal of any employee to perform work at assigned times and locations. If insubordinate or disruptive actions occur, managers are to follow the normal disciplinary procedures described in 25 NCAC 1J .0600, DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL. Before any disciplinary action can be taken, an agency or institution shall first provide counseling by a qualified health care professional to an employee who fears that a serious health risk is created by the presence of a co-worker who has AIDS or HIV infection.

*History Note: Authority G.S. 126-4;
Eff. November 1, 1990;*

*Recodified from 25 NCAC 01L .0207 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0400 – COMMUNICABLE DISEASE EMERGENCY

25 NCAC 01N .0401 PURPOSE

This Section outlines human resource provisions to be implemented in the event that the Public Health Director or the Governor declares a public health emergency.

*History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0402 REPORTING COMMUNICABLE DISEASES

Management shall inform employees and employees shall inform management of any evidence of a communicable disease that could endanger the health of others in the workplace. Management shall notify the local health department the same day that evidence of a communicable disease is apparent.

*History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0403 ACTIONS DURING A PANDEMIC

In case of a pandemic or other serious health threats as determined by the State Health Director, one of the following actions may occur:

- (1) closing of one or more agencies or parts of an agency by order of the Governor,
- (2) closing of an agency or parts of an agency by order of the State or Local Public Health Director,
- (3) closing of an agency or parts of an agency by agreement between the State or Local Public Health Director and an agency authority,
- (4) decision by the agency authority that an employee(s) should stay away from the workplace until symptoms have gone,
- (5) isolation of an ill or symptomatic employee(s) by the State or Local Public Health Director pursuant to G.S. 130A-2(3a), or
- (6) quarantine of an exposed or potentially ill employee(s) by the State or Local Public Health Director pursuant to G.S. 130A-2(7a).

*History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0404 MANDATORY EMPLOYEES

(a) Mandatory employees are employees with permanent, probationary, time-limited or trainee appointments who are required to work during a public health emergency because their positions have been designated by their agencies as mandatory to agency operations during the emergency. Agency heads shall designate the essential operations that must be staffed and designate the mandatory employees to staff these operations.

(b) Mandatory employees may be excused from work if they are quarantined or ill, if they are required to care for an immediate family member who is quarantined or ill, or if they are a parent (or guardian) who is required to stay home with underage children because of the closure of a day care facility, public school or eldercare facility. The agency head shall develop an alternative plan for personnel in case the designated personnel are quarantined or unable to work.

(c) Employees designated as mandatory personnel shall be notified of the designation and the requirement to report for or remain at work in emergency situations. If mandatory personnel are required to remain at the worksite for an extended period of time, the agency or university shall provide adequate housing.

(d) Individuals designated as mandatory employees are subject to disciplinary action, up to and including termination of employment, for willful failure to report for or remain at work. Each situation shall be reviewed on a case-by-case basis to determine appropriate action.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0405 COMPENSATION OF MANDATORY EMPLOYEES

When an agency is closed or when management determines that only mandatory employees are required to report to work, the mandatory employees shall be granted time and one-half pay for all hours worked, subject to the availability of funds. If funds are not available, the employee shall be granted the additional half-time pay at a later date or one-half compensatory time. This provision applies to all employees who are exempt and non-exempt under the Fair Labor Standard Act (FLSA). This special compensation provision does not include temporary employees.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0406 LEAVE

- (a) When an employee is quarantined, the employee shall be granted paid administrative leave until the specified period of time ends or the employee becomes ill with the communicable disease, whichever comes first. This shall include employees with temporary appointments.
- (b) If an employee has symptoms associated with a communicable disease, agency management may require the employee not to report to work and to use any available compensatory leave, sick leave, vacation leave or bonus leave.
- (c) When an agency is closed or when agency management determines that only mandatory employees are required to report to work, the non-mandatory employees who are not required to work shall, at management's discretion, be granted paid administrative leave (i.e., not charging leave) for up to 30 calendar days. The employee's pay shall continue at the same rate the employee would have received had the employee been working (including any shift premium pay normally received). If adjustments need to be made, they shall be made in the next paycheck after returning to work, depending on payroll deadlines for that pay period. If a non-mandatory employee elects to work when the agency is closed, the employee shall not receive additional pay. When the agency reopens, Paragraph (d) of this Rule shall apply.
- (d) If the employee becomes ill and it is determined to be work related in accordance with the Workers' Compensation Act, the Workers' Compensation Rules, 25 NCAC 01E .0700, apply. If the employee is isolated or becomes ill as a result of off-the-job exposure, the Sick Leave Rules, 25 NCAC 01E .0300, apply. The provisions of the Family and Medical Leave Rules and the Family Illness Leave Rules, 25 NCAC 01E .1400 shall also apply.
- (e) When an agency is open but an employee, who is a parent (or guardian), is required to stay home with underage children because of the closure of a day care facility or a public school, the employee shall be allowed to use leave in accordance with the Sick Leave Rules, 25 NCAC 01E .0300. This also applies for eldercare.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0407 VERIFICATION

Agencies may require certification of fitness to work from a health care provider. If quarantined, the employee shall provide the agency with a written verification from a Public Health official.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0408 REVIEW OF POLICY PROVISIONS

- (a) If an agency is closed for more than 30 days, the leave and compensation provisions of this policy shall be reviewed and either terminated, revised or renewed. The agency head shall determine the appropriate course of action in consultation with the Governor's Office and the State Budget Director.
- (b) Pending a decision, the employee may be allowed to take compensatory, sick, vacation, or bonus leave until a decision is made.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0409 EMERGENCY LAY-OFF

- (a) An emergency layoff is a temporary separation from payroll because funds are not available, work is not available or because of another emergency situation requiring employees to remain away from the worksite. The employer believes that the condition will change and intends to recall the employees as soon as feasible.
- (b) An emergency lay-off may be declared if the agency or university remains totally closed or partially closed for an indefinite period of time due to the public health emergency. The agency head shall make this decision after consultation with the Governor's Office and the State Budget Director.
- (c) During an emergency layoff, employees who are laid off shall be eligible to participate in the State Health Plan. State agencies shall pay the employer contribution and may pay the employee contribution for the month following the layoff, with the provision that the employees shall repay the State for any contribution made on their behalf.
- (d) An employee shall not be paid for leave at the time of the emergency lay-off; however, vacation and sick leave will continue to accrue during the lay-off to be credited to the employee's account upon return from the lay-off. If a reduction-in force should occur before the employee returns, the vacation leave accumulated while on lay-off shall be paid along with other unused vacation/bonus leave that was on hand at the time of the layoff.
- (e) An employee shall continue to receive total State service while on an emergency lay-off.
- (f) An employee may be eligible for unemployment benefits with the North Carolina Employment Security Commission while on an emergency lay-off. Employees should contact the North Carolina Employment Security Commission for further details.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0410 WAIVER OF POLICIES

- (a) During the pandemic emergency, if new hires are needed to cover emergency operations, the agency head is authorized to waive the posting rule (25 NCAC 01H .0631), the minimum qualifications rule (25 NCAC 01H .0635), the hiring of relatives (nepotism) rule (25 NCAC 01H .0633), and execute the immediate hiring of an individual who is determined to be able to do the work.
- (b) Employees hired under these conditions shall be given a temporary or time-limited permanent appointment.
- (c) The agency head is authorized to offer competitive salaries for the duration of the emergency.
- (d) The agency head is authorized to assign employees where they are most needed and compensate them accordingly for the duration of the emergency.

History Note: Authority G.S. 126-4;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

SECTION .0500 - WORKSITE WELLNESS

25 NCAC 01N .0501 POLICY

In partnership with the State Health Plan and the Office of State Human Resources, each agency shall create and participate in a Worksite Wellness program. The Worksite Wellness initiatives shall address the primary components of a healthy lifestyle including healthy eating, physical activity, tobacco cessation and stress management.

History Note: Authority G.S. 126-4;
Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0502 ADMINISTRATION

The Office of State Human Resources and the State Health Plan, in collaboration with the North Carolina Division of Public Health, shall guide and assist agencies in the development of a comprehensive Worksite Wellness Program for State employees.

*History Note: Authority G.S. 126-4;
Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0503 WELLNESS LEADER

- (a) Each agency head shall designate a Wellness Leader at the management level who has direct access to the agency head.
- (b) In collaboration with management and employees, the Wellness Leader shall create a Worksite Wellness infrastructure, overseeing the development and implementation of employee wellness policies and committees, and providing ongoing assessment/monitoring of the effectiveness of Worksite Wellness Programs.

*History Note: Authority G.S. 126-4;
Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0504 WELLNESS COMMITTEES

- (a) Each agency shall establish a wellness committee infrastructure. A wellness committee is a team of employees that meet formally and have identified aims, goals, and implementation strategies to encourage healthy behaviors at the workplace, advocate for policy change, and create health-friendly work environments.
- (b) The committee shall be comprised of employees who represent a cross section of the employee population. Multiple committees may be necessary depending on the size and number of locations of the agency.
- (c) Committees shall elect a wellness chair or co-chairs to conduct meetings and lead activities.

*History Note: Authority G.S. 126-4;
Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0600 - LACTATION SUPPORT

25 NCAC 01N .0601 PURPOSE

The rules in this Section set requirements for agencies with regard to nursing mothers.

*History Note: Authority G.S. 126-4;
Eff. January 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0602 POLICY

It is the policy of the State to assist working mothers who are nursing children during their transition back to work following the birth or adoption of a child by providing lactation support. A lactation support program allows a nursing mother to express breast milk periodically during the work day.

*History Note: Authority G.S. 126-4(6),(10);
Eff. January 1, 2011;
Amended Eff. November 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0603 OFFICE OF STATE HUMAN RESOURCES RESPONSIBILITY

The Office of State Human Resources shall designate a program coordinator to assist agencies with questions regarding this Section.

*History Note: Authority G.S. 126-4;
Eff. January 1, 2011;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

25 NCAC 01N .0604 AGENCY RESPONSIBILITIES

State agencies shall provide space, privacy, and time for nursing mothers to express breast milk by doing the following:

- (1) Providing private space that is not in a restroom or other common area. The space shall have a door that can be secured or locked, lighting and seating, and electrical outlets for pumping equipment.
- (2) Providing time to express breast milk. The agency may require the employee to use the regularly scheduled paid break time. If time is needed beyond the regularly scheduled paid break times, the agency shall make reasonable efforts to allow employees to use paid leave or unpaid time for this purpose.

*History Note: Authority G.S. 126-4;
Eff. January 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

25 NCAC 01N .0605 EMPLOYEE RESPONSIBILITY

The employee is responsible for storage of the expressed breast milk.

*History Note: Authority G.S. 126-4;
Eff. January 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*