

## **Workplace Policy for Breastfeeding**

The City is committed to providing a workplace environment that will assist employees to balance their work and family responsibilities.

The City will provide reasonable unpaid rest periods and make a reasonable effort to provide locations and rest periods to accommodate employees who need to breastfeed or express milk for their children. Expression of milk means the initiation of lactation, by manual or mechanical means, for the employee's child 12 months of age or younger.

### **Applicability**

Eligible employees, including all full and part-time employees.

### **Employee Notice to Supervisor**

The employee shall provide reasonable notice to her supervisor that she intends to breastfeed in order to allow the supervisor sufficient time to make arrangements necessary to comply with this policy. The supervisor must take into consideration the immediacy of the employee's need when making these arrangements.

### **Rest Periods**

The supervisor shall provide the employee a reasonable rest period to breastfeed. A reasonable rest period, unless otherwise agreed upon by the employer and employee, is no less than 30 minutes during each four (4) hour work period. The employee shall, if feasible, take the rest period to breastfeed at the same time as the rest periods or meal periods that are otherwise provided to the employee. If not feasible, the employee is entitled to take an unpaid rest period of up to 30 additional minutes during each four (4) hour period to breastfeed. Paid or unpaid rest periods cannot be accumulated by the employee for use at another time.

A health insurance eligible employee will have any unpaid rest periods that are taken to breastfeed counted toward the number of hours required in the month to meet benefits eligibility requirements.

If a lactation area, as identified below, is not within close proximity to the employee's work area, the time taken to travel to and from the location may not be included as part of the break period.

### **Lactation Area**

An acceptable area for breastfeeding includes the following:

- The employee's work area if the work area permits the employee to breastfeed concealed from view and without intrusion by other employees or the public, such as an office, and the area has an electrical outlet and seating;
- A room connected to a public restroom, such as a lounge, if the room allows the employee to breastfeed concealed from view and without intrusion by other employees or the public and the area has an electrical outlet and seating;

- A child care facility where the employee can breastfeed concealed from view and without intrusion by other employees or the public; or
- An empty or unused office or conference room, so long as there is a door that closes and locks, an electrical outlet and seating, and covered windows (if any). Signage will be used to indicate that the room is in use. It is preferable that the signage be adhered to the door, if possible. At a minimum, the signage may be placed on the door handle.

If a lactation area, as identified above, is not available in close proximity to the employee's work area, the employee's supervisor or department head is responsible for identifying and providing a private location for the employee to breastfeed within close proximity to the work area. A private location is a place with an electrical outlet and seating, other than a public restroom or toilet stall, concealed from view and without intrusion by other employees or the public.

### **Storage of Expressed Milk**

The employee may bring a cooler or other container to work for storing her expressed milk. The supervisor is responsible for ensuring there is adequate space in the employee's general work area to accommodate the cooler or container. For employees working in an office building environment, the City shall provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of the employee's breast milk. If the employer allows employees access to refrigeration for personal use, the supervisor may allow, but cannot require, an employee who expresses milk during work hours to use the available refrigeration for storage. If an employee does not work in an office building environment, the City shall provide a nonelectric insulated container for storage of the employee's expressed milk.

### **Exceptions**

Exceptions to this policy may be granted where the Director of Human Resources, or designee, determines the exception to be in accordance with applicable rules and laws.

### **Dissemination of Policy and Related Information**

The Office of Human Resources is responsible for providing policy and procedure information regarding this policy to eligible employees.

### **Guidance, Consultation and Complaints**

Questions or requests for assistance in implementing this policy or obtaining lactation room signage may be directed to the Office of Human Resources. Violations or complaints about implementation of this policy are to be directed to the Director of the Office of Human Resources.

## **Notice Concerning an Employee's Rights to Reasonable Accommodations Relating to Pregnancy, Childbirth, Breastfeeding or Related Conditions**

The City may not refuse to provide reasonable accommodations for an employee related to pregnancy, childbirth, breastfeeding or related conditions if the employee requests a reasonable accommodation, unless the City demonstrates that the accommodation would create an undue hardship on the operations of the City.

The City may not require an employee to terminate employment if another reasonable accommodation can be provided for the employee's pregnancy, childbirth, breastfeeding or related conditions unless the City demonstrates that the accommodation would create an undue hardship on the operations of the City.

The City may not deny employment opportunities to an employee, if the denial is based on the need of the City to make reasonable accommodations related to the pregnancy, childbirth, breastfeeding or related conditions of an employee, unless the City demonstrates that the accommodation would create an undue hardship on the operations of the City.

The City may require an employee to provide certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation. Such certification shall include the date the reasonable accommodation becomes medically advisable, the probable duration of the reasonable accommodation and an explanatory statement as to the medical advisability of the reasonable accommodation. The City may not require a certification for more frequent restroom, food or water breaks.

The City is not required to permit an employee to have the employee's child at the workplace for the purposes of accommodating pregnancy, childbirth, breastfeeding or related conditions.