

m ***Lactation Accommodations Policy***

In recognition of the health benefits of breastfeeding for infants and their mothers, this policy provides reasonable break time during the workday to express milk and requires agencies to provide an appropriate room for this purpose. This policy is designed in compliance with the Fair Labor Standards Act (FLSA), 29 U.S.C. § 207 (r).

1. ELIGIBILITY

This policy applies to all City employees, including full and part-time, probationary, seasonal, and temporary employees, as well as elected officials and their appointed staff.

2. REASONABLE BREAK TIME

For up to one (1) year after the birth of a child, an employee will be permitted to take reasonable breaks during the workday to express breast milk. Although such breaks are generally unpaid, employees will be permitted to use regular meal and rest breaks for the purpose of expressing milk. Where additional time is need, employees must use their accrued leave.

Employees may use up to five (5) days of accrued sick leave for lactation purposes. Sick leave used for lactation breaks will count toward the five-day maximum provided by labor agreement for the care of an immediate family member, where applicable. Employees may also use accrued personal, vacation, or compensatory leave. If the employee does not have enough accrued leave, her leave will be reduced in subsequent pay periods until the leave debt is satisfied.

In addition, agencies may authorize flexible work arrangements (such as adjustments to the timing of regular breaks and to the start and end times of an employee’s work shift) to help facilitate a lactation schedule. The decision to grant flexible work arrangements will be at the sole discretion of the agency. Agencies may also unilaterally modify or terminate a flexible work arrangement, provided the employee’s need for accommodation is otherwise satisfied.

Employees of the Baltimore City Fire Department should refer to the department’s internal policies and procedures governing leave for lactation purposes. Where a conflict exists, the department’s own internal policies and procedures shall apply.

Agencies must provide a reasonable amount of break time to express milk. Although the frequency and length of such breaks may vary, a breastfeeding employee will typically require between two and three breaks in an eight-hour period. Such breaks often last anywhere from fifteen to thirty minutes with additional time needed for set-up and clean-up. It is expected that the employee will express milk before the start of her shift so that she will be ready to begin working immediately upon arrival at work.

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Employees and their supervisors should work cooperatively to determine appropriate times to take lactation breaks during the workday, taking into consideration both the employee’s biological needs and the agency’s operational requirements. Employees must make a good faith effort to schedule breaks at times that minimize disruption to the agency’s operations.

An agency may, at its sole discretion, continue an employee’s lactation accommodation, either with or without modification, beyond one year. The decision to extend the accommodation will be made in consultation with an agency Human Resources representative.

An employee who fails to use a lactation accommodation for its intended purpose may be subject to disciplinary action, up to and including discharge.

3. LOCATION OF BREAKS

Although agencies are not required to maintain a permanent, dedicated space for expressing milk, a room must be made available when requested. Such locations must be private, shielded from view, and not located in a restroom or shower room. In addition, the room must be free from any intrusion by co-workers or the public. Agencies can ensure privacy by selecting a space with a locked door or by providing appropriate signage to indicate when the space is in use.

If a dedicated lactation room is not available in the employee’s workplace, an agency may consider such other options as reserving a conference room as needed, adapting a clean and infrequently used storage area, or converting an unused office or other room. If an employee has a private office, it may be used for this purpose.

Any location used for lactation purposes must contain a chair and a flat surface (other than the floor) on which to place a pump. Agencies should also make every effort to identify a space that contains an electrical outlet and nearby access to running water. The room should be located as close to the employee’s work area as possible to reduce the amount of time required for the break. Employees will be responsible for keeping the lactation room clean using anti-microbial wipes or disinfectant and for bringing their own supplies for this purpose.

If an employee does not have space in her designated work area for storing a pump, or lacks a designated work area, the agency must provide a location where the employee’s pump can be stored.

Where space limitations or the nature of the employee’s work present special challenges to scheduling or otherwise accommodating lactation breaks, agencies should contact the Department of Human Resources (DHR) for guidance.

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4. STORAGE OF BREAST MILK

Employees are responsible for making arrangements for storing expressed milk. Milk may be stored in a refrigerator located at the worksite, provided the refrigerator is not also used for the storage of biohazards or lab specimens. The employee must provide her own containers for expressed milk, which must be concealed in a labeled, personal storage bag.

If there is no refrigerator available, employees must provide their own means to store and keep the milk cold, such as a personal storage cooler. If the employee does not have space for a cooler in her designated work area, agencies must provide a location where it can be stored.

The City of Baltimore is not responsible for the integrity or security of breast milk stored on City property.

5. REQUESTING BREAK AND ROOM ACCOMMODATIONS

Employees should provide their supervisors with as much advance notice as possible that a lactation accommodation will be needed. Likewise, the employee must promptly notify her supervisor when a lactation accommodation is no longer needed or when fewer or shorter breaks are required.

Upon receipt of a request for lactation accommodation, the supervisor will promptly contact an agency Human Resources representative. The supervisor and HR will work together, and in consultation with the employee where necessary, to determine the details of the lactation accommodation – including appropriate break times, any adjustments to the employee’s work schedule, a suitable location for breaks, and whether or how the employee’s paid leave will be used. The accommodation arrangement must be memorialized in writing with a copy provided to the employee.

An agency may at its discretion modify the specific terms of an accommodation (including break times and location of the lactation room), provided the employee’s need for accommodation is otherwise satisfied.

6. EDUCATION AND SUPPORT PROGRAMS

The Baltimore City Health Department offers a variety of education and support programs for breastfeeding mothers that are also available to City employees. These programs include, for example, prenatal and postpartum breastfeeding classes, informational materials and lactation support resources. The classes are held at the Women, Infants and Children (WIC) program

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clinics. All programs and services are available to mothers, fathers and their partners.

Although City employees are generally responsible for bringing to work their own personal pump and accessories, the Health Department has a limited number of electric hospital grade pumps and related supplies available for use on loan during working hours. Pumps and supplies are available on a first-come, first-served basis.

Questions about these programs and services should be directed to the Health Department.

7. RETALIATION PROHIBITED

This policy strictly prohibits any form of retaliation (or threats of retaliation) for requesting or receiving an accommodation under this policy. Any retaliation will result in disciplinary action, up to and including discharge from employment. Concerns about retaliation should be promptly reported to an agency Human Resources representative.