

SUBJECT: LACTATION POLICY FOR BREASTFEEDING EMPLOYEES AND VISITORS

Purpose: The City of Madison recognizes a parent's responsibility to their family, and believes a parent's choice to breastfeed contributes to the overall wellness of the family, the workplace, and our greater community. This policy is intended to provide reasonable guidelines for reducing barriers to breastfeeding for employees and visitors to City facilities.

Background: The Fair Labor Standards Act (FLSA) requires employers to provide a reasonable break time for employees to express breast milk for one (1) year after the child's birth. Under the FLSA, employers are also required to provide a space, other than a bathroom, that is private, in which an employee may express breast milk.

State of Wisconsin law, City of Madison, and Dane County Ordinances also allow an individual to breastfeed their child in any public or private location where they are both permitted, and states that a mother cannot be prohibited from breastfeeding, directed to move to a different location or restricted in any other fashion. Madison General Ordinances (MGO) allow "expression" of breast milk and extend these rights to individuals who pump.

Policy:

1. Welcoming Environment. As part of our family-friendly policies and benefits, the City supports breastfeeding parents by making every reasonable effort to accommodate visitors and employees who wish to breastfeed or express milk in City facilities. To ensure employees and visitors feel welcome to breastfeed or express milk, the City will make every effort to ensure that areas of common use have designated comfort rooms for this purpose (please see facilities section for more information). However, this policy prohibits requiring a nursing parent to use private rooms for nursing. For example, City of Madison employees may opt to express milk in their office, and visitors to City facilities may elect to breastfeed outside of the designated rooms. All employees should make every attempt to support the needs of nursing parents. The City expressly prohibits harassment or degrading comments or behaviors directed toward nursing employees or visitors.
2. Employee Lactation Accommodations. In accordance with Federal, State, and locals laws, it is the policy of the City to accommodate an employee's lactation needs for a period of at least two (2) years from the birth of a child. This accommodation includes access to appropriate facilities for breastfeeding/expression of milk, time, and reasonable accommodations for storage.

Scheduled break times and lunches may be used for milk expression, but supervisors are required to allow a reasonable amount of additional unpaid time for this purpose when needed. If needed, the combination and/or redistribution of break times shall be allowed as agreed upon by the employee and their supervisor for the purpose of milk expression, and shall not automatically incur overtime. Some examples of adjustments to schedules appropriate under this policy include, but are not limited to:

 - Combining two 15-minute breaks to allow one 30-minute break to express milk.
 - Extending the workday by 40 minutes and adding two 20-minute break times for expression of milk.
 - Splitting two 15-minute breaks into three ten-minute breaks to allow for the expression of milk.
 - Using paid or unpaid leave for 30 minutes each day to allow for lactation needs.
 - Alternative work-site arrangements (i.e., work from home).
 - Providing relief to employees who work in non-office space settings by use of available fill-in staff.
 - Allowing off-site employees to utilize other City facilities and/or community resource lactation spaces for previously agreed upon break times.

The Human Resources Department and Employee Assistance Program will ensure staff are available to assist with resources and accommodations to breastfeeding employees when needed. Any employee who needs to express milk, but does not have the necessary breaks or facilities to do so can make a request to their supervisor or the HR Department for accommodation. Other guidelines related to nursing parents include:

- Breastfeeding employees should not be disturbed with work issues when nursing or expressing milk.
- It is the employee's responsibility to contact the Supervisor or HR Department to assist with any necessary accommodations including facility use, additional break time, or development of a lactation schedule.

3. Facility Design.

- A. New facilities or any major facility remodel or addition over \$1.5 million: The City will provide accessible, adequate, and private facilities other than a restroom for breast milk expression at every new City facility where office space is included. Each Comfort Room or designated office space will be free from intrusion, either by the use of a locked door, or restricted entry access devices. The facility will be equipped with suitable lighting and electricity for a pumping apparatus. (City agencies on a single floor may share designated spaces for breast milk expression where appropriate.)

Where possible, facilities will include refrigeration space (for City Staff dedicated Comfort Rooms only), a sink, a comfortable chair, and a small table or counter space. Proper signage shall be provided at the public side of the room, clearly indicating room usage.

Exceptions to these requirements may be made by the City Engineer in consultation with the City Human Resources Director.

- B. New facilities or any major facility remodel or addition under \$1.5 million: The City shall evaluate the facility for the need and ability to incorporate accessible, adequate, and private facilities for breast milk expression. Where adequate space and budget exists, such facilities shall be included in the project in accordance with the provisions of Section 3.A.
- C. Existing Facilities: The City will make every effort to provide the above accommodation for existing facilities with office space that do not have a designated comfort room. This includes facilities that have a significant concentration of employees and facilities with a small number of employees where a nursing employee has requested an accommodation.

Some examples of accommodations to existing facilities may include, but are not limited to the following:

- Providing a locking doorknob for employees with an existing private office that does not lock.
- Allowing an employee to temporarily have a mini refrigerator in their office, as space allows. This would be a purchase made by the employee, not the City.
- Providing a portable lactation room in facilities where other private space is not available.

Authority. The Human Resources Director shall maintain and interpret this policy.



Paul R. Soglin
Mayor