



# LACTATION/ BREASTFEEDING POLICY

PM-30-06

Section: 30-00, EQUAL EMPLOYMENT COMPLIANCE

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## LACTATION/BREASTFEEDING POLICY

The City of Memphis Government is committed to promoting equal opportunity in employment. Thus, the City recognizes the important role of women in all of its operations and provides a policy and services that support their continuing employment. The Patient Protection and Affordable Care Act ("PPACA") which amended Section 7 of the Fair Labor Standards Act (FLSA) and the Tennessee Code Annotated 50-1-305 requires employers to provide reasonable unpaid break time each day to an employee who needs to express breast milk. Additionally, employers are required under both laws to provide a place other than a bathroom, in which the employee can express milk for up to one (1) year after the birth of the child.

This policy acknowledges the importance of breast-feeding for both mother and baby and supports those employees who continue to breast-feed upon their return from Maternity leave for up to one (1) year after the birth of the child. This policy covers both non-exempt and exempt employees at all locations within the City of Memphis Government.

Lactation accommodation goals are to:

1. Ease the transition of mothers who return to work following the birth of a child.
2. Enable mothers to breastfeed beyond the time allotted under the Federal Medical Leave Act and the Tennessee Maternity Leave Act time periods.
3. Assist mothers to attend work rather than having to take time away from work to express milk.
4. Help control healthcare costs by providing the opportunity to develop a healthier infant.
5. Ensure that women who are pregnant or considering pregnancy know that breastfeeding will be accommodated by their employer.
6. Provide a motivating, employee-supportive work environment for all employees.
7. Assist employees to experience work-life balance.



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a. *Management Responsibilities*

- 1) Ensure that employees who are preparing for maternity leave are aware of this policy.
- 2) Work with employees returning from maternity leave to adjust schedules to enable adequate time to express breast milk.
- 3) Ensure this policy is adhered to by doing the following:
  - a) Providing a half hour break every four (4) hours to express milk. This should run concurrently with other paid breaks and/or lunch breaks.
  - b) Extending the work day or shortening the lunch break to enable the employee appropriate breaks to express milk provided the normal break times are insufficient.
  - c) Providing a private/sanitary location in close proximity to the employee's work area that contains a lock, comfortable seating, electrical outlets, a sink with hot water and soap. **Under NO circumstances shall the bathroom serve as the lactation area.**
  - d) Consult with the Diversity and Inclusion Coordinator in the Office of Equity, Diversity & Inclusion for assistance in implementation of this policy.

b. *Employee Responsibilities*

- 1) Employees who wish to express milk during the work day shall keep the Office of Equity, Diversity and Inclusion informed of their needs via completion of the **Lactation Accommodation Request Form** so that appropriate accommodations can be made to satisfy the needs of both the employee and the City of Memphis Government. The completed **Lactation Accommodation Request Form** should be returned to the Diversity & Inclusion Coordinator in the Office of Equity, Diversity and Inclusion.
- 2) Employees shall be responsible for keeping the general lactation room clean for the next user.
- 3) Employees are responsible for providing storage for their expressed milk. All expressed milk must be properly labeled if storing in a general office storage unit (refrigerator).



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*c. Non-discriminating/reporting requirements*

Breastfeeding should not constitute as a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee; such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile or offensive working environment.

Any incident of harassment of a breastfeeding employee will be addressed in accordance with the City of Memphis Government policies and procedures as well as in accordance with applicable federal, state and local laws for discrimination and harassment. The employee should notify the Division of Human Resources/Office of Equity, Diversity & Inclusion if she feels as though she has been subjected to a harassing and or hostile work environment for services rendered under this policy.

Failure to comply with the terms and conditions outlined in this policy will subject management to discipline, up to and including termination.

**REFERENCES:**

Title VII

PPACA

FLSA

FMLA

ADA

Tennessee Code Annotated 50-1-305

Tennessee Maternity Leave Act