CITY OF HOUSTON

Administrative Procedure

Subject: **Workplace Lactation**	A.P. No: **3-14**
	Effective Date: **August 29, 2013**

1. AUTHORITY

1.1 Article VI, Section 7a, of the City Charter of the City of Houston. Fair Labor Standards Act (29 U.S.C. §207),

2. PURPOSE

2.1 To establish a lactation policy, pursuant to state and federal law, that will provide a supportive environment enabling breastfeeding employees to express milk during working hours.

3. SCOPE

3.1 This policy shall apply to all employees of the City of Houston, regardless of exempt status pursuant to the Fair Labor Standards Act.

4. DEFINITIONS

Lactation Location – A location, other than a restroom, for expression of breast milk. This may include a location specifically designated as a lactation area by a department or it may be a non-designated area such as an employee's office, cubicle, or other area agreed upon by the employee and her supervisor. Whether a designated or non-designated location, a lactation location must be shielded from public view and free from intrusion from coworkers and from the public.

5. RESPONSIBILITIES

5.1 Department Directors shall:

5.1.1 Promulgate department specific procedures and practices as needed to implement this policy. This shall include the creation of a reservation system for facilities that have only one designated lactation location available to multiple users.

5.1.2 Identify department-designated lactation locations.

5.2 Human Resources Department shall:

5.2.1 Designate Human Resources personnel to accept complaints who shall, in the event of a complaint, take immediate action to arrange a necessary break or identify a lactation location for an employee.

5.2.2 Provide appropriate training on the terms of this policy and on best practices for enabling breastfeeding employees to express milk during working hours.

5.2.3. Disseminate this policy to all employees.

5.2.4 Report complaints of violations to the Office of the Inspector General.

5.3 Supervisors shall:

5.3.1 Alert pregnant and breastfeeding employees about the City's workplace lactation policy and engage in an interactive process with employees to make arrangements that will help facilitate each employee's infant feeding goals.

5.3.2 Approve reasonable lactation arrangements and amendments as requested.

5.3.3 Identify agreed upon lactation locations(s) with the employee at the time of the accommodation request. If use of a department designated lactation location is not feasible given the employee's work schedule, work facility, or job classification, a suitable non-designated lactation location must be identified for an employee's use.

5.3.4 Ensure employee compliance with approved arrangements and subsequent amendments.

5.4 Lactating Employee shall:

5.4.1 Alert her immediate supervisor to her need for a lactation arrangement, and engage in an interactive process to arrive at an arrangement that will satisfy the needs of both the employee and the City. So as to avoid discomfort of the mother or disruption of operations, whenever possible, the employee should notify her supervisor of the need for a lactation arrangement prior to the start of her first shift after the birth of a child so that lactation arrangements may be agreed upon in advance.

5.4.2 Complete a lactation arrangement request and submit it to her supervisor.

5.4.3 Upon approval of a lactation arrangement, keep her supervisor informed of changing needs so that appropriate amendments to the arrangement can be made to satisfy the needs of both the employee and the City.

5.4.4 Adhere as closely as possible to the location(s) and duration of breaks as identified in an agreed arrangement and subsequent amendments.

5.4.5 Assume all responsibility for the storage and security of her breastfeeding equipment and breast milk.

5.5 All Employees shall:

5.5.1 Assist in providing a positive atmosphere of support for breastfeeding employees.

5.5.2 Avoid harassment, discrimination, and insensitive remarks.

5.5.3 Report violations of policy to Human Resources Personnel and/or the Office of the Inspector General.

6. PROCEDURES

6.1 For one (1) calendar year after the birth of child, an employee is permitted reasonable break times to express milk during working hours. This policy should not, however, be construed to permit breastfeeding during working hours.

6.2 Whenever possible, employees should use their allotted breaks and meal times for the expression of milk.

6.3 For time that may be needed beyond the allotted break and meal times, an employee may use accrued leave (vacation or personal) in accordance with existing leave usage practices, unpaid leave, or may make up the time as agreed with her supervisor.

6.4 The employee may use a department designated lactation location, or, with permission of her supervisor, may use an identified non-designated lactation location.

6.5 If any request is amended or denied, it is subject to review by designated Human Resources Personnel.

6.6 Requests for additional lactation arrangements beyond one (1) calendar year after the birth of a child will be referred to designated Human Resources Personnel to be considered on a case by case basis. The designated Human Resources Personnel will approve or deny such requests.

7. COMPLIANCE WITH LAW

7.1 Harassment or discrimination against any employee on account of her choice to express breast milk in the workplace is strictly prohibited. Employees found to have engaged in the foregoing may be subject to disciplinary action up to and including termination or indefinite suspension.

7.2 Abusing the availability of lactation breaks, taking excessive breaks, and taking breaks at a location or for a duration which is unreasonable, may result in discipline up to and including termination or indefinite suspension.

7.3 Alleged violations of this policy should be promptly reported to the Office of the Inspector General.