



**Office of the Mayor
City of Columbus
Ohio**

EXECUTIVE ORDER

2012-02

MICHAEL B. COLEMAN, MAYOR

September 14, 2012

WHEREAS, Section 4207 of the Patient Protection and Affordable Care Act states 'An employer shall provide—

"(A) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and

"(B) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

"(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose."; and

WHEREAS, it is the intent of the City to achieve compliance with Section 4207 of the Patient Protection and Affordable Care Act in an organized, effective, efficient, and respectful manner; and

WHEREAS, nursing mother support programs contribute to reduced health care costs, reduced absenteeism rates, reduced employee turnover rates and a family-friendly work environment; and

WHEREAS, the City of Columbus is committed to providing necessary and adequate resources to express milk by new mothers for feeding at a later time and place; and

WHEREAS, the Mayor and the City of Columbus have always believed that its employees are the most important asset and valuable resource; and

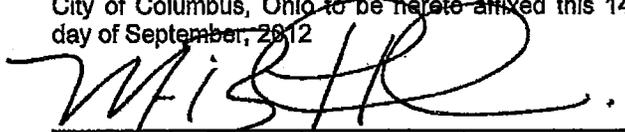
NOW THEREFORE, I, Michael B. Coleman, Mayor of the City of Columbus, declare and institute the following Nursing Mothers Program directive for department, divisions, facilities and properties owned and/or operated by the City of Columbus:

- **The Department of Human Resources shall be the lead agency to institute, administer, and monitor the Nursing Mothers Program, working in conjunction with the Department of Finance and Management, or other agency duly authorized to allocate and provide for space, and departmental human resources staff; and**

- Accommodation or allocation of space for a nursing mother shall be in accordance with the *Recommendations for Nursing Mother's Room Design* issued by the Department of Human Resources; and
- Department directors, administrators, and department/division human resources representatives shall support reasonable break time as needed for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth. Refer to the Department of Human Resources *Recommendations for Supporting Nursing Mothers* document for additional guidance.

This order shall be in full force and effect after my signature is affixed to this document.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Mayor of the City of Columbus, Ohio to be hereunto affixed this 14th day of September, 2012



Michael B. Coleman
Mayor



City of Columbus
Department of Human Resources
77 N. Front Street
Columbus, Ohio 43215

Policy on Lactation Breaks to Support Nursing Mothers and Healthy Babies

The intent of this policy is to support the Mayor's Initiative for healthy babies and to promote compliance with the Mayor's Executive Order to support breastfeeding in the workplace. This also ensures compliance with the Patient Protection and Affordable Healthcare Act and the Fair Labor Standards Act. The goal of this policy is to optimize the work environment for nursing mothers who need to express breast milk at work for their infants.

I. POLICY

For up to one year after the child's birth, the City of Columbus will provide all employees, interns, and volunteers reasonable break time(s) for a nursing mother to express breast milk in a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

Under no circumstances shall a City employee:

- A. Discriminate or harass a breastfeeding employee for her need to express breast milk;
- B. Direct a breastfeeding mother to breastfeed her baby or pump in the bathroom.

II. PROCEDURE

A. Eligibility and Use

After identifying herself as a nursing mother who has a need to express breast milk during the work day, a nursing mother will provide her supervisor and/or Human Resources with the date of the child's birth, the approximate times during the workday when the nursing mother anticipates needing to express breast milk, and the method by which the nursing mother prefers to account for the time. The nursing mother should keep her supervisor and Human Resources apprised of any needs for schedule changes for the purposes of expressing breast milk throughout the time period she remains a nursing mother.

B. Reasonable Break Time

1. The City of Columbus has a flexible approach to scheduling breaks to accommodate changes in the nursing mother's need to express breast milk.
2. In accordance with any applicable collective bargaining agreement, nursing mothers may use their normal meal and break times, whether paid or unpaid, to express breast milk. For time that may be needed beyond the normal meal and break times, a nursing mother may use accrued vacation, compensatory time, unpaid leave, or, with the approval of her supervisor, may make up the time. Where operational needs allow, Departments are encouraged to cooperate and be flexible in scheduling meal and break times to accommodate a nursing mother's need to express breast milk.
3. In departments/divisions where operational needs do not allow for scheduled meal or break times (such as in the Division of Police, Division of Fire and other 24 hour operations), department/division human resources personnel and nursing mothers should work together to determine when and how nursing mothers may take reasonable break times that accommodate the needs of the nursing mother and is consistent with operational needs. In accordance with any

applicable collective bargaining agreement, if a paid meal and/or break time is provided, the nursing mother may use the paid meal and/or break time. For time that may be needed beyond the meal or break time the nursing mother may use accrued vacation, compensatory time, or unpaid leave.

4. Authorization for a flexed schedule shall be documented so that daily or weekly work hours are maintained. If an employee and supervisor opt to flex her schedule to accommodate longer or additional lactation breaks, the flex time will not be considered “work time” such that the nursing mother would be eligible for daily or weekly overtime.

III. NURSING MOTHER’S RESPONSIBILITIES

- A. **Communication with Supervisors:** Nursing mothers shall keep supervisors and/or department/division human resources staff informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the nursing mother and the City. Nursing mothers are responsible for accurately accounting for their time and completing any necessary leave forms.
- B. **Compliance:** Nursing mothers are expected to comply with the City Central Work Rules, the provisions of any applicable collective bargaining agreement and any applicable department or division policies and procedures. Nursing mothers should report any problems or concerns to their supervisor or department/division human resources staff.
- C. **Breastfeeding Equipment:** The City of Columbus does not provide equipment to assist with breast milk expression during work hours. Nursing mothers are responsible for bringing their personal equipment to use during the workday.
- D. **Maintenance of Locations used to Express Breast Milk:** Nursing mothers are responsible for keeping locations used to express breast milk clean. Employees are also responsible for keeping the general room clean for the next user. This responsibility extends to both designated lactation areas, as well as other areas where expressing breast milk will occur.
- E. **Breast Milk Storage:** Nursing mothers are responsible for proper storage of breast milk, such as using a personal cooler or, if available, a City provided refrigerator. Expressed breast milk should be labeled with the nursing mother’s name and date expressed so it is not inadvertently confused with another nursing mother’s breast milk.
- F. **In the Event of Multiple Nursing Mothers:** When more than one nursing mother needs to use the same room for expressing breast milk, employees should communicate with each other to negotiate those break times that are most convenient and/or best meet their needs.
- G. **Resources and Education:** Additional materials and resources are available on the Healthy Columbus website, www.hr.columbus.gov/healthycolumbus.

IV. LOCATION USED TO EXPRESS BREAST MILK

- A. The City has multiple places available for nursing mothers to use for the purpose of expressing breast milk. Most City buildings have at least one room at or near work spaces that could be used

for this purpose. A nursing mother could use her office, an empty or unused office, or a conference room, provided that the location meets privacy requirements. It is not acceptable to expect or instruct a nursing mother to express breast milk in a restroom.

- B. For employees who are not in a standard office setting, a map and listing of City buildings with spaces that could be used to express breast milk is available on the Healthy Columbus website.
- C. Ideally, a space used for expressing breast milk would have the following items:
 1. A working electrical outlet;
 2. Reasonable proximity to the nursing mother's work area;
 3. Reasonable proximity to a clean sink;
 4. Seating and a flat surface to place the equipment;
 5. Visual privacy for the space, a lock on the door, and a "do not disturb" sign that can be displayed when the room is being used for expressing breast milk.

Note: These locations need to be available whenever a nursing mother has a need to express breast milk, but do not need to be set aside exclusively as a lactation area.

V. **QUESTIONS**

Any questions regarding eligibility, reasonable break times, or areas used for expressing breast milk should be referred to Human Resources.