



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

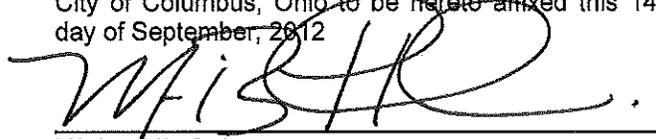
NOW THEREFORE, I, Michael B. Coleman, Mayor of the City of Columbus, declare and institute the following Nursing Mothers Program directive for department, divisions, facilities and properties owned and/or operated by the City of Columbus:

- 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 hereto affixed this 14th day of September, 2012

A handwritten signature in black ink, appearing to read "M. B. Coleman", written over a horizontal line.

Michael B. Coleman
Mayor



City of Columbus
Department of Human Resources
90 West Broad Street, Room 311
Columbus, Ohio 43215

Recommendations for Supporting Nursing Mothers

In recognition of the well documented health advantages of nursing for infants and mothers, the City of Columbus provides a supportive environment to enable all nursing employees, student interns and volunteers to express their milk during work hours. This includes a city-wide Nursing Mothers Support Program administered by the Department of Human Resources. The City of Columbus subscribes to the following worksite policy.

This policy shall be communicated to all current employees and included in new employee orientation training.

City Responsibilities

Nursing mothers who choose to continue providing their milk for their infants after returning to work shall receive:

- **Milk Expression Breaks:** Nursing mothers are allowed reasonable break time to express breast milk for their nursing child for up to one year after the child's birth each time the mother has need to express the milk.

Paid break times are not required by the FLSA; however, where employers already provide compensated breaks, an employee who uses break time to express milk must be compensated in the same way that other employees are compensated for break time. A flexible approach is recommended in scheduling a nursing mother's need to express milk. The following guidance is provided:

In accordance with any applicable collective bargaining agreement, nursing mothers may use their normal meal and break times, whether paid or unpaid, to express milk. For time that may be needed beyond the normal meal and break times, a nursing mother may use accrued vacation or compensatory time or 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 milk.

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 time that accommodates the needs of the 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 or compensatory time or unpaid leave.

Nursing mothers should be allowed to use other available options such as flexible work schedules.

Nursing mothers should be advised that unpaid leave will not be counted as hours worked and may impact other employment benefits, such as retirement contributions, overtime, and leave accruals.

- **A Place to Express Milk:** A private space (not a toilet stall or restroom) shall be available for nursing mothers to express milk. The space will be private and sanitary, preferably with or located near a sink with running water for washing hands and rinsing breast pump parts, and have an electrical outlet. If the nursing mother prefers, she may also express milk in her own private office, or in any comfortable location agreed upon in consultation with her supervisor or department/division human resources staff.
- **Education and Staff Support:** The Department of Human Resources will provide information and resources for nursing mothers on the Healthy Columbus Employee Wellness website (www.hr.columbus.gov/healthycolumbus). Department/division human resources staff is expected to direct women to this website to find additional resources. A bulletin board will be provided in each Nursing Mother's Room as a forum for nursing mothers to communicate with each other.

Nursing Mother's Responsibilities

- **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 mother and the City. Nursing mothers are responsible for accurately accounting for their time and completing any necessary request for leave forms.
- **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.
- **Breastfeeding Equipment:** The City of Columbus does not provide equipment to assist with milk expression during work hours. Mothers are responsible for bringing their personal equipment to use during the workday.
- **Maintenance of Milk Expression Areas:** Nursing mothers are responsible for keeping milk expression areas clean. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.
- **Milk Storage:** The nursing mother is responsible for proper storage of her milk using a personal cooler or if available a City provided refrigerator. Expressed milk should be labeled with the mother's name and date expressed so it is not inadvertently confused with another mother's milk.
- **In the Event of Multiple Nursing Mothers:** When more than one nursing mother needs to use the designated nursing mothers room, employees should communicate with each other to negotiate milk expression times that are most convenient and/or best meet their needs.
- **Provide Feedback:** Nursing mothers will find an evaluation of the Nursing Mother's Program in each nursing mother's Room. Please complete the evaluation and return it to the Healthy Columbus Program, Department of Human Resources (645-8022).
- **Seek Resources and Education:** The Healthy Columbus website, www.hr.columbus.gov/healthycolumbus will feature a page for nursing mothers with resources and education materials to help make the transition back to work less stressful.



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Recommendations for Nursing Mother's Room Design

Tier 1 – Essential Elements of a Nursing Mother's Room

Tier 1 represents the minimum amenities that are recommended for inclusion when designating a Nursing Mother's Room as follows:

- A private space large enough to allow for a chair and a table to rest a pump on while in use
- Small table
- Adjustable chair
- Electrical outlet
- Located near a source of running water

Tier 2 – Preferred amenities for Nursing Mother's Room (in order of importance).

In addition to amenities listed in Tier 1, the following amenities will be incorporated into the Nursing Mothers' Room as resources allow.

- Room size ranging from 40-60 square feet with an electrical outlet and privacy lock
- Signage external to the room that indicates Nursing Mother's Room and a vacancy/do not disturb sign
- Trash can
- Sink with running water with soap and paper towel dispenser
- Clothing hook on back of the door
- Clock
- Cork bulletin board
- Room partition to accommodate multiple mothers in one building (an additional table and chair would also be required) if room size allows.

If there is uncertainty regarding a building's designated space for a Nursing Mother's Room, department/division human resources personnel will contact the Department of Human Resources as soon as management is made aware of the need to assure a Nursing Mother's Room has been designated upon an employee's return. The Department of Finance and Management, or other agency authorized to allocate space, will designate space for a Nursing Mother's Room in new builds and when major renovations occur, as deemed appropriate.