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| City of Detroit – Human Resources Department |
| Policy, Planning and Operations Division |
| EMPLOYEE NURSING POLICY  References:  U.S. Department of Labor Wage and Hour Division  Section 7 of the Fair Labor Standards Act of 1938 (29 U.S. Code 207)  Breastfeeding Anti-Discrimination – Act 197 of 2014  City of Detroit Executive Order 2014-2  City of Detroit Charter  City of Detroit HR Rules |

**PREAMBLE**:

Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act (FLSA) to require employers to provide nursing mothers reasonable break time to express breast milk for one (1) year after the birth of a child. The amendment also requires employers to provide a place for an employee to express breast milk.

**PURPOSE**:

Pursuant to the Fair Labor Standards Act (FLSA) of 1938 (U.S. Code 207), the City of Detroit is required to adhere to the regulations as indicated in the Patient Protection and Affordable Care Act.

**SCOPE**

This policy applies to all City of Detroit Departments, Agencies and its employees. This policy does not include the general public. Public breastfeeding regulations are governed by Michigan law; Act 197 of 2014 Breastfeeding Antidiscrimination Act.

**POLICY:**

**NOTICE**

Pursuant to federal regulation, employees who are exempt from FLSA’s overtime pay requirements are entitled to lactation breaks. The City of Detroit shall accommodate requests from employees who are nursing mothers, up to one (1) year after the birth of a child, to express breast milk during the work day. Employees will not be compensated for lactation breaks.

Employees shall notify the Human Resources Department - Employees Services Division of their need to utilize space for lactation. The Human Resources Department - Employee Services Division shall contact the employee’s Department and/or supervisor to ensure proper space is made available.

**LACTATION BREAKS**

In accordance with the Fair Labor Standards Act (FLSA) of 1938 (U.S. Code 207), City of Detroit Departments/Agencies shall provide reasonable break times throughout the work day for an employee who chooses to express break milk. The City of Detroit shall afford the employee at least four (4) breaks within an eight (8) hour period to express breast milk and the break period shall not exceed thirty (30) minutes in duration each instance. The number of breaks may be adjusted based upon specific circumstances.

**SPACE AND FACILITIES**

All City of Detroit Departments/Agencies shall provide a space that is clean, shielded from view and free from intrusion from coworkers and the public. If the Department/Agency does not have a permanent space for nursing mothers, space must be made available when needed in order to meet the statutory requirements. The designated space shall be in close proximity to an employee’s work area. Please note, the designated space shall not be in a restroom.

To ensure privacy, the room or location should have a door equipped with a functional lock. If this is not possible, a sign advising the room or location is in use and not accessible to other employees or the public shall be posted on the door entrance.

In addition, the room shall include, at a minimum, the following items; (1) comfortable chair, (2) small table, and (3) a functioning electrical outlet. The space should also be able to accommodate multiple employees. If multiple employees are utilizing the space at the same time, a partition or curtain must be in place to ensure the employees’ privacy.

The City of Detroit recognizes that not all employees are assigned to a stationary work location, as such the location for breaks will be determined on a case by case basis.

**STORAGE**

Expressed milk may be stored in an employee break room refrigerator. Employees may also choose to provide their own personal cooler for storage. If an employee is utilizing an employee break/lunch room refrigerator, employees are responsible for proper storage of their milk and must label all containers with their name and date so that is not inadvertently mistaken with another employee.

**ANTI-DISCRIMINATION**

Pursuant to the City of Detroit Executive Order 2014-2, State and Federal regulations, it is unlawful to discriminate and/or harass any employee who chooses to nurse in the workplace.

All complaints of discrimination and/or harassment shall be immediately forwarded to the City All employees are reminded to respect and to be sensitive to an employee’s choice. of Detroit Human Rights Department for an investigation.

Employees who have concerns with this policy relative to break times and/or space logistics may contact the Human Resources Department - Employee Services Division.

Training is available to departmental supervisors in the implementation of this policy.

**CONCLUSION**

The City of Detroit encourages and supports its employees in their efforts to combine working and breastfeeding. This policy enables women to return to the workplace and successfully continue to breastfeed their child(ren).

Employees are encouraged to contact the City of Detroit Heath Department for available prenatal and postpartum breastfeeding information and resource materials.

Acknowledgement of Employee Nursing Policy

I ­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have received a copy of the Employee Nursing Policy and agree to abide by the policy guidelines. I understand the City of Detroit shall accommodate requests from employees who are nursing mothers, up to one (1) year after the birth of a child, to express breast milk during the work day and that I will not be compensated for the lactation breaks.

If I have questions, at any time, regarding this policy, I will consult with my immediate supervisor or the Human Resources Department Employee Services Division.

**Employee Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Employee Department:** ­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HR Employee Services Consultant:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Effective Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**End Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_