


Employee Lactation Support

	Louisiana Department of Health (LDH)	
	Policy Number	104.1
	Content	LDH policy on supporting lactating employees in accordance with federal and state regulations
	Effective Date	May 19, 2015
	Inquiries to	Office of Management and Finance Division of Human Resources, Training and Staff Development P. O. Box 4818 Baton Rouge, Louisiana 70821-4818 Phone: 225-342-6477 Fax: 225-342-6892

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. STATEMENT OF POLICY

A. Purpose

1. The Louisiana Department of Health (LDH) recognizes that breast milk provides optimal infant nutrition, providing a multitude of health benefits to both infants and mothers and that conditions in the workplace have a substantial effect on breastfeeding initiation and duration.
2. The purpose of the Employee Lactation Support Policy is to improve the initiation and duration of breastfeeding for lactating mothers employed by the LDH.
3. The LDH is establishing this policy to ensure that every mother employed at LDH has access to private space and time for expressing milk upon returning to work.

B. Statutory or Regulatory Authority

1. Act No. 269 of the 2011 Louisiana Legislative Session
2. Patient Protection and Affordable Care Act, H. R. 3590, Section 4207 (2011)

II. RESPONSIBILITIES

- A. The Secretary will ensure implementation and administration of the Employee Lactation Support Policy in accordance with state and federal regulations. In doing so, the Secretary will do the following:
1. Lead by example to improve accessibility and support through communication with employees and supervisors.
 2. Ensure that any needed consequences for noncompliance of the policy are imposed.
- B. The Assistant Secretaries of Each Office will ensure implementation and administration of this policy as follows:
1. Lead by example to improve accessibility and support through communication with employees and supervisors.
 2. Ensure that all work locations, under the direction of the Office, adhere to the space and time requirements as outlined in this policy.
- C. The Human Resources Director is responsible for ensuring that new employees are informed of the Employee Lactation Support Policy during new employee orientation.
- D. The LDH Worksite Wellness Committee and the Bureau of Family Health are responsible for providing support, promotion and monitoring of this policy by assigning one committee member with an interest and background in breastfeeding to do the following:
1. Ensure that each LDH employee is made aware of the following resources for breast feeding support:
 - www.LABreastfeedingSupport.org
 - www.louisianabreastfeeding.org
 - www.1800251baby.org
 - <http://www.womenshealth.gov/breastfeeding/>
 - dhhwellness@la.gov for questions and support
 2. Ensure that this policy, the above resources and lactation rooms are promoted by providing signs to be placed in common worksite areas, posting on LDH Today and utilizing various LDH social media sites. All communications (including signs and social media posts) must have the prior approval of the LDH Bureau of Media and Communications.
 3. Employees may email DHHWellness@LA.GOV with questions or concerns related to this policy, assistance with identifying lactation rooms, general breastfeeding support, and workplace breastfeeding support issues.

- E. A core team will serve as a volunteer source of encouragement, support and a valued resource for lactating mothers as they return to work. This group will be at the direction of the LDH Worksite Wellness Committee and the Bureau of Family Health and will be comprised of LDH employees. This group will be available by email during work hours to answer questions or provide support to a current lactating LDH employee.
- F. The lactating employee is responsible for ensuring the success of this policy by communicating effectively with her supervisor. In doing so the employee will do the following:
 - 1. Inform the supervisor of her intent to continue breastfeeding after returning to work to begin making arrangements for space and time.
 - 2. Maintain communication with her supervisor regarding time allocated and used for expression of milk.

III. SPACE FOR EXPRESSING MILK

- A. Employees will be provided the use of a sanitary area, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public. Ideally, this space should also be located in close proximity to the employee's work station, a sink to wash hands and equipment and a refrigerator for easily accessible storage of the expressed milk.
- B. At a minimum this location shall be equipped with:
 - 1. An electrical outlet
 - 2. A chair
 - 3. A workstation and/or small table
 - 4. A lock and/or sign to put on the door when in use
 - 5. A lamp if the space has automatic lights.

IV. TIME TO EXPRESS MILK

- A. Breastfeeding mothers shall be provided with a reasonable amount of break time for milk expression to provide breast milk to their children. The time will not exceed the normal time allowed for lunch and breaks. For any time above and beyond normal lunch and breaks, the employee may use annual leave or compensatory leave subject to her supervisor's approval. Supervisors shall make every effort to accommodate the employee's legitimate need for time to express breast milk.
- B. Maintenance and scheduling room for use is the responsibility of employees and supervisors and building managers. When more than one lactating employee needs to use the designated lactation space, employees can use a sign-in log or similar system to negotiate milk expression times that are most convenient and/or best meet their needs.

V. STORAGE OF EXPRESSED MILK

- A. Employees shall be responsible for appropriate storage of their expressed milk including marking all bottles for storage with their name. Options for employee milk storage include the following:
 - 1. Bringing a labeled ice chest daily for storage during the work day in their assigned work space;
 - 2. Storing expressed milk in a bag that is labeled with their name and placed in a shared refrigerator; or
 - 3. Storing expressed milk in a bag that is labeled with their name and placed in the designated lactation refrigerator, if available.

VI. DISCIPLINARY ACTIONS

Violations of this policy may result in disciplinary action up to and including dismissal.

VII. REFERENCES

Act No 269 of the 2011 Louisiana Legislative Session
Patient Protection and Affordable Care Act, H.R. 3590, Section 4207 (2011)
Fair Labor Standards Act, 7(r) as amended by the Affordable Care Act, P. L. 111-148

VIII. REVISION HISTORY

Date	Revision
5/19/2015	Policy created
1/28/2020	Housekeeping Changes (Pages 1-2) Removed references to DHHNet