DEFINITIONS

Cold storage means an appliance or device for maintaining breast milk at a safe, sanitary temperature for the duration of an employee's shift.

Infant child means a child from date of birth to one year of age.

Lactation means the process of expressing breast milk.

RESPONSIBILITIES

Employees are responsible for:

- notifying supervisor that employee wishes to have a location and time in the workplace for lactation and obtaining approval,
- working with supervisor to establish a reasonable break schedule for this purpose that should whenever possible run concurrently with any break and/or meal periods already designated for the employee and/or worksite, if such break time does not unduly disrupt the operations of the state,
- adhering to the established schedule of breaks,
- providing her own apparatus for expressing milk,
- either (1) providing own cold storage equipment or (2) clearly labeling any/all container(s) of expressed milk stored in agency-provided storage units and removing such containers daily from the workplace, and
- ensuring that the location designated for lactation is in clean, ready-for-next-use condition following each use.

Supervisors are responsible for:

- approving/denying requests for lactation breaks in accordance with operational needs and working with employees to establish reasonable break schedules for lactation once it is determined that breaks will not unduly disrupt operations, and
- ensuring employees are released from duties for lactation in accordance with the established schedule.

Employers are responsible for:

- determining whether break time would unduly disrupt the operations of the agency,
- providing breaks for lactation that do not unduly disrupt operations,
- making reasonable efforts to provide a location (not a toilet stall) and cold storage to an employee who needs to express breast milk for the employee's infant child,
- setting up a process for affected employees to request breaks and a location and distributing notice of that process to employees to implement the purpose of this policy,
- providing basic cleaning supplies for the location used for this purpose, and ensuring the location is regularly cleaned, and
- making available materials for educating the workforce on the need for and benefits of providing workplace opportunities for lactation.

PROCEDURES

There are two parts to the statute that is the basis of this policy:

1. Providing reasonable paid break time each day to an employee who needs to express breast milk for that employee's infant child.
2. Providing a location, other than a toilet stall, in close proximity to the work area, where an employee can express breast milk in privacy.

Part 1 – Break Time
Whenever possible, breaks for purposes of lactation must run concurrently with other breaks the employee is authorized to take during the work day/shift.

Breaks are not required if providing break time would unduly disrupt the operations of the state. Determination of disruption for purposes of lactation should be made in accordance with the same operational concerns related to breaks provided for other purposes.

While specific needs may vary, generally speaking, breaks of 15 minutes, plus time to visit and return from the lactation space, once every three hours is sufficient and may diminish over time once an infant child begins eating solid food.

Part 2 – Location
To the extent reasonably possible, the employer shall provide a private space for the purpose of lactation by employees. The employer is not liable for any harm caused by or arising out of either (1) the expressing of an employee's breast milk, or (2) the storage of expressed milk except in cases of willful misconduct, gross negligence or bad faith.

The location provided for expressing breast milk cannot be a toilet stall.

The location must provide:

- a clean, private space,
- chair,
- table or flat surface,
- door which can be locked from the inside, and
- cold storage (such storage can be provided in another location at the work site, but must be provided if the affected employee(s) do not provide their own storage).

The location should provide:

- an electrical outlet, and
- nearby access to running water.

There is no requirement that a room be set aside solely for the use of nursing mothers to express breast milk during the work day/shift.

REFERENCES

IC 5-10-6-2
IC 4-1-2-1
IC 4-15-2.2-10

FORMS & RESOURCES

Request for Lactation Schedule and Location