INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

FROM: Teresa L. Voors
Commissioner, Indiana Department of Workforce Development

THROUGH: Dale Wengler
Deputy Commissioner, Policy & Field Operations

DATE: July 25, 2008

SUBJECT: DWD Policy 2008-02
Lactation Support Policy

Purpose
Effective July 1, 2008, State statute requires that employers provide reasonable opportunities and locations for an employee desiring to express breast milk for the nutritional needs of her infant child while meeting the operational needs of the employee's State agency. This policy is intended to communicate the Department of Workforce Development's expectations regarding the implementation of this law across the Indiana Workforce Investment System.

Content
The Indiana Workforce Investment System shall support the needs of its employees desiring to express breast milk for the nutritional needs of their infants through the adoption of appropriate worksite policies and identification of private space designated for the use of lactating employees in expressing breast milk.

There are two parts to the statute which is the basis for the Department's policy:

1. Providing reasonable paid break time each day to an employee who needs to express breast milk for that employee's infant child; and

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.

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 operations. 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 fifteen 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.

Location

To the extent reasonably possible, a private space for the purpose of lactation by employees shall be made available. Neither the Indiana Department of Workforce Development nor any of its grantees or sub-grantees is 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,
- A chair,
- A table or flat surface,
- A 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.

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.

Employee Responsibilities

State merit employees must:

- Complete the attached Lactation Schedule and Location Request form and forward copies to the employee's functional and formal supervisors and to DWD Human Resources, 10 North Senate Avenue, Indianapolis, IN 46204, Room SE 115, ATTN: Gina Emmert;
- Human Resources will contact the employee's formal supervisor to establish reasonable break schedule times or meal periods already designated for the employee and/or work site for lactation while ensuring that scheduled breaks will not unduly disrupt operations and are in accordance with operational needs;
- Adhere to the established schedule of breaks;
- Provide her own apparatus for expressing milk;
- Either (1) provide own cold storage equipment, or (2) clearly label any/all container(s) of expressed milk stored in agency-provided storage units, and remove such containers daily from the workplace; and
- Ensure that the location designated for lactation is in clean, ready-for-next-use condition following each use.

Other Indiana Workforce Investment System employees must:

- Adhere to the lactation support policies of their employer-of-record;
- Provide written notice of approved lactation schedule including time of scheduled breaks to functional supervisor.

Supervisor Responsibilities

Formal and Functional Supervisors are responsible for coordinating the following:

- 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.

Employer Responsibilities

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 effort 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.

Upon approval of a Lactation Schedule:

- Central/Administrative Office employees may contact Jane Buchanan, at telephone number 317.233.4564 or by e-mail at JBuchanan@idoa.IN.gov.

- Employees in WorkOne offices may contact their functional and formal supervisors to establish a location in the workplace for the breaks.

Review Date
October 1, 2010

Ownership
Policy & Field Operations
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204
Telephone: 317.233.6078

Effective Date
July 1, 2008

Action
All Workforce Investment System employees should be aware of this Lactation Support Policy for employees and its procedures and responsibilities.

References
Indiana Code 5-10-6-2
Indiana Code 4-1-2-1

Attachment
Employee's Request for Lactation Schedule and Location

EMPLOYEE'S REQUEST FOR LACTATION SCHEDULE and LOCATION

Employee Name

Agency

Work Location

Supervisor's Name

Schedule Requested:

APPROVAL / DENIAL of REQUEST

☐ Approved

Schedule ☐ (as requested)
☐ (as modified below)

Schedule modification:

Location:

☐ Denied

Reason for Denial:

Signature of Official Approving/Denying Request Date