

EXECUTIVE ORDER NO. 11-11

WORKSITE LACTATION SUPPORT POLICY

WHEREAS, the Fair Labor Standards Act has been amended to facilitate breastfeeding by employees of employers of fifty or more people, and

WHEREAS, breastfeeding has been shown to provide important health benefits to both infants and mothers, and

WHEREAS, the City of Philadelphia wishes to encourage working mothers to breastfeed their infants and support them in doing so,

NOW, THEREFORE, by the power vested in me by the Philadelphia Home Rule Charter, it is hereby **ORDERED**:

SECTION 1. USE OF BREAKS AND LEAVE BY LACTATING EMPLOYEES FOR EXPRESSING BREASTMILK.

(a) Lactating employees may use lunch and break time for expression of milk, and such lunch and break time shall be scheduled flexibly to permit the expression of milk whenever needed.

(b) For circumstances in which the time required to express milk exceeds normal lunch and break times, employees shall be permitted to use compensatory time and vacation leave, if available, and where compensatory time and vacation leave have been exhausted, unpaid leave. Use and availability of vacation leave, compensatory time, and unpaid leave shall be governed by the appropriate Civil Service Regulations or Administrative Board Rules applicable to the employee.

(c) An employee who plans to express milk during the workday shall notify her department's human resources manager of her intention to use time at work to express milk one week before she plans to return from maternity leave. The employee and the human resources manager shall together develop a schedule of approximate lactation breaks, taking into account other lactating employees' schedules and the needs of the department or agency.

SECTION 2. LACTATION ROOMS REQUIRED.

(a) Lactation rooms shall be made available to lactating employees throughout City workplaces. Lactation rooms shall be private and sanitary, and provide appropriate seating, access to an electrical outlet, and nearby access to running water.

(b) Lactation rooms shall be located in the employee's work building whenever possible; otherwise, lactation rooms shall be located in the most readily accessible City facility or facilities based on the employee's job duties. An employee who has a private office may, in her discretion, elect to use such office for milk expression.

(c) For those departments or agencies that lack appropriate lactation rooms, the Commissioner or other head of such department or agency, or such person's designee, shall contact the Commissioner of Public Property, or the Commissioner's designee, to arrange appropriate space in a City-owned or leased facility.

SECTION 3. STORAGE OF EXPRESSED BREASTMILK.

Employees may store their expressed milk in a designated space in any worksite refrigerator or freezer that is used by City employees to store personal food. Employees shall provide their own storage containers for expressed milk; such containers shall be secure and not leak. Employees shall clearly label such containers with their name and the date of expression. Employees using space designated in the work-site refrigerator are responsible for keeping the designated space clean, and for promptly bringing expressed milk home with them.

SECTION 4. EMPLOYEE ORIENTATION.

The City's lactation support policy shall be communicated to current staff by their human resources managers. Departmental human resource managers shall inform new hires of the City's policy during new employee orientation. Employees leaving for reasons related to their pregnancies shall be informed of the City's breastfeeding policy, in writing, at the time they leave, by the department human resources manager. Employees returning from maternity leave or other leave related to pregnancy shall be informed of the City's breastfeeding policy, in writing, by the department human resources manager.

SECTION 5. This order shall be effective immediately.

Date: _____

8/9/11

Michael A. Nutter, Mayor