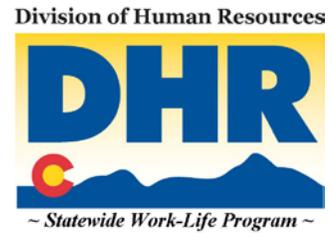


**STATE OF COLORADO  
ACCOMMODATIONS FOR NURSING MOTHERS  
Revised August 10, 2010**



**What is a lactation room or space?**

A lactation area is a clean, private place where nursing employees can relax enough to express milk. The milk is then stored and taken home for use when a mother is away from her baby. The room provides a quiet, relaxing atmosphere so the process can be as quick as possible. The private space should be dedicated to lactation so it does not compete with other work functions or schedules. If the space is not dedicated to the nursing mother's use, it must be available when needed in order to meet the statutory requirement.

**What does the State gain by providing lactation accommodations?**

Breastfeeding an infant is an important issue to the health of Colorado families with numerous benefits for both mother and infant. The American Academy of Pediatrics has continuously endorsed breastfeeding and extensive research indicates there are diverse and compelling advantages to breastfeeding for infants, mothers, families, and society. By supporting this practice and making it more convenient, the employer may accomplish several things.

- A work environment of support, understanding, and respect is created for employees. This leads to higher job satisfaction and potentially, lower turnover.
- Some women may return from leave earlier because they can continue to nurse their infant.
- Breastfeeding has many benefits for both mother and infant. In addition to individual health benefits, breastfeeding results in substantial benefits to society, including reduced health care costs and reduced absenteeism.
- In addition, if infants are healthier, there could be a decreased demand for health care services. This may impact insurance utilization, which ultimately affects costs.

Parent employees face a trying time as they adjust to the competing demands of both work and family. New mothers often feel guilt and anxiety over leaving their newborns as they transition back to work. If employees are anxious and preoccupied with family matters, productivity suffers. Making a few flexible accommodations may avoid the cost of replacing trained, experienced employees, shorten instances of paid and unpaid leave, help contain health care costs, and help increase productivity (or at the very least, prevent drops in productivity).

**Are there laws regarding breastfeeding in the workplace?**

In order to address the issue of public breastfeeding, two Colorado laws were passed, Senate Bill 04-088 and House Bill 08-1276. Senate Bill 04-088 allows a mother to breastfeed in any place she has a right to be. House Bill 08-1276 (Workplace Accommodations for Nursing Mothers Act) requires an employer to provide reasonable break time for nursing mothers and make reasonable efforts to provide space (other than a toilet stall), in close proximity to the work area, where an employee can

express breast milk for up to two years after the child's birth. In addition to the laws passed in Colorado, a provision added to the Fair Labor Standards Act (FLSA) in 2010 requires an employer to provide reasonable break time for nursing mothers and to provide a private location (other than a bathroom) where employees may express milk.

To comply with state and federal law, **all** departments and institutions of higher-education (departments) must provide:

- Reasonable break time for an employee to express breast milk each time the employee has a need for up to two years after the child's birth.
- A private place, other than a bathroom, which may be used by an employee to express breast milk.

### **Is the break time paid?**

This depends on whether the employee is eligible for overtime (i.e., cannot deduct pay for exempt employees), the length of the breaks, and a department's practice. Under Director's rule 3-38, work breaks are discretionary and any breaks up to 20 minutes are considered work time (paid). The FLSA does not require paying for breaks exceeding 30 minutes, nor does it require paying for breaks taken for the purpose of expressing milk. However, the FLSA does require that if paid breaks are provided and an employee uses that break time to express milk, it must be compensated in the same way that other employees are compensated for break time. In addition, as with any break, if the employee is not completely relieved from duty it must be compensated as work time.

### **Who can use the room or space?**

The room or space is available to any state employee who is nursing. Give consideration to whether it will also be available to special guests as needed.

### **Who is responsible for what?**

The department provides the room or private space (other than a bathroom) and its furnishings. Several departments occupying the same building may want to work in partnership on a lactation room or space. For example, each department in the Centennial Building in Denver collaborated in preparing an available room. Each already had a refrigerator and the furnishings were donated so it is a matter of providing the lock combination to its own nursing employees.

The requirements are fairly simple.

- *Space.* Inventory the space in your building to find a quiet, private spot. The space should be dedicated and not compete with work operations or other activities such as breaks, lunch, changing clothes, and ill employees. A bathroom, even if private, is not a permissible location. Even if temporarily created, the space must be shielded from views and free from interruption. Spare or empty private offices or storage rooms (provided they meet the basic requirements) may be no to low cost alternatives. For example, one of the lactation rooms is located in what was extra space connected to the ladies' room that is now a separate dedicated space. It was not needed for work and was empty, which made it ideal.

- *Electrical outlets.* The room should have one or more electrical outlets so it can accommodate different types of pumps. Employees should be responsible for their own equipment.
- *Furnishings.* Comfortable chairs are important for relaxation and small tables are needed for supplies. For example, one of the rooms has several chairs, two small tables, donated artwork, a lock box, and a wastebasket. Employees are responsible for keeping the room clean and neat.
- *Storage.* Refrigeration of milk is required; however, this is generally not an issue because most work sites have refrigerators. Employees are responsible for storage of their milk.
- *Scheduling.* This includes the use of the room and scheduling work time. In terms of use of the room, employees should be relied upon to resolve any scheduling issues. The use of work time must be arranged with the supervisor; however, reasonable break time or meal time, or both, must be provided.
- *Security.* This includes the security of equipment and access to the room. Employees are responsible for their own equipment and supplies and should be encouraged not to leave them in the room. As stated previously, access should be controlled so the room can be used as intended. Remember, a lactation room is not a break or sick room, which would be disruptive or unhealthy for the nursing mother. Issuing and tracking keys can be a burden so a simple lock box may be the most practical. Someone may need to hold the back up key and provide the combination to employees using the room.

### **How can supervisors and human resource professionals help?**

- The most important step is to ensure employees are aware of the lactation room or space's existence. As part of the planning for family leave during pregnancy, the facility and department policy can be explained. This may help the employee to decide to return to work sooner.
- If a location does not have a lactation room or space, human resource professionals and supervisors can collaborate to create one or help to identify the nearest state location or building that has a lactation room. If one cannot be located within reasonably close proximity to the work area or the employee prefers not to travel to another location, supervisors and human resource professionals may facilitate the use of appropriate space for a temporary period of time.
- Create a supportive atmosphere for employees. Understand the physiological and psychological benefits of nursing and what the State as an employer, and in regards to public health, hopes to gain. Discuss how the program works and refer the employee to others who may provide additional information, e.g., those who have used the room or other breastfeeding and lactation resources.
- Know who keeps the lock combination or access key.
- Be flexible in scheduling time for the use of the room. Nursing may need to occur for brief periods several times a day. Work with the employee in arranging time to use the room. Remember, break time must be granted each time the employee needs it to express milk.

### **Do lactation rooms or other resources exist?**

- Examples of lactation rooms exist in the Centennial Building of the Capitol Complex and the Colorado Department of Public Health and Environment. For the most recent information, contact the department human resources office at a specific location.
- The Colorado Department of Labor and Employment has many resources and information related to accommodations for nursing mothers located on their website, available at

<http://www.colorado.gov/cs/Satellite/CDLE-LaborLaws/CDLE/1248095305263>.

For more information, contact your department human resources office or email the State Work-Life Coordinator at [hrs.work-life@state.co.us](mailto:hrs.work-life@state.co.us).