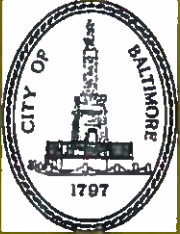


Quinton Herbert

FROM	NAME & TITLE	Quinton Herbert, Acting Director and Chief Human Capital Officer	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Human Resources 7 East Redwood Street, 17 th Floor Baltimore, Maryland 21202		
	SUBJECT	Council Bill 18-0276: Lactation Accommodations in the Workplace		

DATE: 9/11/2018

TO: Council President Young and Members of the City Council

Recommended Position

The Department of Human Resources (“DHR”) reviewed the above captioned City Council Bill. This legislation seeks to extend and expand existing accommodation rights under Federal law that currently require employers to provide lactation accommodations in the workplace by lowering the threshold number of employees from employers with 50 or more employees to all Baltimore City employers with two or more full-time equivalent employees. In accordance with the City’s existing Lactation Accommodation policy (AM-204-7), DHR supports Council Bill 18-0276.

Comments and Analysis

DHR recognizes that mothers are the fastest-growing segment of the nation’s labor force. It is estimated that 70% of employed mothers with children younger than 3 years old work full time. Council Bill 18-0276 (the “Bill”) proposes to expand the Federal and State mandated workplace accommodations afforded to nursing mothers to all employers with 2 or more full-time employees. The bill is consistent with City’s existing policy (AM-204-7) which allows a nursing mother to express breast milk for her nursing child for a period of one year after the child’s birth, as frequently and for as long a duration as that nursing mother may need each break. Consistent with the Bill, City employees are permitted to use regular meal and rest breaks for the purpose of expressing milk; and where additional time is needed, employees must use their accrued leave.

The Bill proposes specific requirements for location, conditions and equipment that must be made available to nursing mothers. Specifically, the Bill requires a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public; be equipped with a surface sufficient to handle a “breast pump”, a place to sit, an electrical outlet; and have in close proximity a sink with running hot and cold water with a refrigerator to store the breast milk. Additionally, the Bill requires that the location be “proximate” to the employee’s workspace (i.e. <500 feet or 2-adjacent floors away). With the exception of the specified proximity as proposed by this legislation, the City’s current policy reflects these requirements.

The Bill proposes requirements for distributing and promoting the policy and process with regard to lactation and establishes the duty of an employer to respond to every employee request for accommodation within 5-days and also provide a written explanation to the employee in the event an employer is unable to provide location. DHR does not find these requirements onerous and believes strongly that are consistent with good HR practice and policy.

Accordingly, DHR supports Council Bill 18-0276 as serves to augment existing City policy and further our commitment to equality and access for all employees.