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| FROM | NAME & TITLE | Henry Raymond, Director <i>HMR</i> | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | Department of Finance Room 454, City Hall (410) 396-4940 | | |
| | SUBJECT | City Council Bill 18-0276 – Lactation Accommodations in the Workplace | | |

DATE:

TO

The Honorable President and
Members of the City Council
Room 400, City Hall

September 20, 2018

City Council Bill #18-0276 was created for the purpose of requiring both private and public employers to provide certain lactation accommodations (including lactation breaks and locations) and to develop, distribute, and implement certain policies and procedures for providing these lactation accommodations.

To accomplish this goals mandated by the proposed legislation, the bill would create an avenue for employees to file grievance with the Baltimore Community Relations Commission, which would then also investigate the matter. The employer must also maintain a record of all lactation location requests and responses for a duration of three years.

The Finance Department review of this legislation focused on current policy, how the proposed bill differs, and any financial impact as a result of implementation of the proposal. The City's current policies are summarized as follows:

- Current Fair Labor Standards Act/Patient Protection and Affordable Care Act Policy (AM-207-1-4) provides a right to an employee to have reasonable break time to express milk up to 1 year after a child's birth and it requires access to a private space to express milk that is not a bathroom.
- Current Baltimore City Lactation Accommodations Policy (AM-204-7) applies to all City employees for up to one year after the birth of a child, allowing an employee to take reasonable breaks during the workday to express breast milk.

The proposed legislation provides greater accommodation than either of the current lactation policies. Specifically, the bill would remove the 1 year limit for providing lactation accommodation. The proposed requires that the lactation location must have an outlet, surface, seating, and doors that lock from the inside, while also being reasonably near a sink and refrigerator.

The proposed legislation would have a fiscal impact for both the City's operating and capital budgets, based on a preliminary analysis conducted by Department of General Services (DGS). DGS determined that implementing the proposed legislation would cost the City between \$5,000 to \$20,000 due to each City-owned building having specific needs and requirements, including situations where agency already provides lactation accommodation. The total cost of the proposed legislation is unknown and would require a survey of each City facility for compliance and/or upgrade requirements.

The Finance Department determined that without a survey a local businesses, providing the proposed legislation's fiscal impact is impossible.

Acknowledging the limited costs associated with the implementing the proposed legislation within City government; the Department of Finance supports this bill. However, the Finance Department takes no position on the fiscal impact for private businesses.

cc: Kyron Banks