

**SOP 08-13**  
**Lactation Support Policy**  
**Standard Operating Procedures**  
**Grow Southwest Indiana Region 11**  
**Approval Date: 02/10/09**

**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 operation needs of the employee's State agency. This policy is intended to communicate the DWD expectations regarding the implementation of this law across the Indiana Workforce Investment System.

**Contents**

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.

***Lactation***

To the extent reasonably possible, a private space for the purpose of lactation by employees shall be made available. Neither the IDWD 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 locations 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**

Complete the attached Lactation Schedule and Location Request form and forward copies to the employee's functional and formal supervisors and (if DWD employee) to DWD Human Resources. 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. All other staff members will forward copies to Employee's functional and formal supervisors to establish times. Adhere to the established schedule of breaks. Provide 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 locations designated for lactation is in clean, ready for –next use condition following each use.

Other Workforce Investment System employees must adhere to the lactation support policies of their employer of record and 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 and providing breaks for lactation that do not unduly disrupt operation. 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. Employers are also responsible for 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 locations 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.

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

EMPLOYEES'S REQUEST FOR LACTATION SCHEDULE and LOCATION

Employee Name

Agency

Work Location

Supervisor's Name

Schedule Request

APPROVAL/DENIAL of REQUEST

Approved

Schedule

(as requested)

(as modified below)

Schedule Modification:

Location:

Denied

Reason for Denial:

Signature of Official Approving or Denying Request Date