Department of Behavioral Health

TRANSMITTAL LETTER

SUBJECT Breastfeeding Accommodations Policy		
POLICY NUMBER DBH Policy 700.2	DATE OCT 0 5 2015	TL# 290

Purpose. To provide guidance in the implementation of the Human Rights Act regarding breastfeeding to the Department of Behavioral Health (DBH), its contractors or grantees.

Applicability. Department of Behavioral Health (DBH) employees, contractors or grantees.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices.

Effective Date. This policy is effective for implementation immediately.

Superseded Policy. None.

Distribution. This policy will be posted on the DBH web site at www.dbh.dc.gov under Policies and Rules. Applicable entities are required to ensure that affected staff is familiar with the contents of this policy.

Tanya A. Royster, M. D.
Acting Director, DBH

GOVERNMENT OF THE DISTRICT OF COLUMBIA * * * DEPARTMENT OF BEHAVIORAL HEALTH	Policy No. 700.2	Date OCT 0 5 2015	Page 1
	Supersedes: NONE		

Subject: Breastfeeding Accommodations Policy

1. **Purpose**. To provide guidance in the implementation of the Human Rights Act regarding breastfeeding to the Department of Behavioral Health (DBH), its contractors or grantees.

2. **Applicability**. Department of Behavioral Health (DBH) employees, contractors or grantees.

3. **Authority**. Department of Behavioral Health Establishment Act of 2013; Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §2-1401.01 et seq.); Child's Right to Nurse Human Rights Amendment Act of 2007 DC Code Ann. 2-1402.81 et seq.; and Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e *et seq.*).

4. **Background**. The Centers for Disease Control and Prevention's (CDC) goal is to increase breastfeeding rates in the United States and to promote optimal breastfeeding practices. The 2011 Surgeon General's Call to Action to Support Breastfeeding outlines six areas to focus support to increase breastfeeding: mothers and their families, communities, health care, employment, research and surveillance and public health infrastructure.

5. **Definitions**.

5a. Breastfeeding. The feeding of babies and young children with milk from a female breast.

5b. Reasonable efforts. Any effort that would not impose an undue hardship on the operation of an employer's business.

5c. Undue hardship. Any action that requires significant difficulty or expense when considered in relation to factors such as the size of an employer's business, its financial resources, and the nature and structure of its operation.

6. **Policy**. Consistent with the District of Columbia "Child's Right to Nurse Human Rights Amendment Act of 2007," the Department of Behavioral Health (DBH) recognizes that breastfeeding a child "constitutes a basic act of nurturing to which every mother and child has a right and which should be encouraged in the interests of maternal and child health." DBH, its contractors and grantees shall recognize the following rights for mothers who are breastfeeding:

(a) The right to breastfeed her child in any location, public or private, where she has the right to be with her child;

(b) The right to breastfeed or express breast milk in accordance with this policy, notwithstanding any other provision of District of Columbia law governing indecent exposure or the definition of the private or intimate parts of a female person, including that portion of

the breast that is below the top of the areola;

(c) The right to be free from any workplace disciplinary action because of the exposure of any part of her breast during breastfeeding or while expressing breast milk;

(d) The right to be free from harassment or ridicule in the workplace because of her breastfeeding or expressing breast milk; and

(e) The right to workplace accommodations while breastfeeding or expressing breast milk.

7. **Procedures.**

7a. DBH, contractors and grantees shall make reasonable efforts to:

(1) Allow employees who are breastfeeding to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or allowable arrangements as negotiated with their supervisors.

(2) Allow flexible schedule, job-sharing, or telecommuting arrangements for employees who are breastfeeding , if none are already afforded, unless doing so would create an undue hardship.

(3) Provide a clean, private space (not a toilet stall or restroom) that will be available for pumping/nursing that includes:

a. accessible electrical outlets for an electric breast pump,
b. comfortable chairs,
c. a small table, and
d. enough space available to be adequate for the number of breastfeeding employees.

(4) Provide a clean water source for washing hands and rinsing out any breast pump equipment close to the private space.

(5) Provide a place for storing breast milk: a refrigerator or employee can bring in a small cooler or thermos.

(6) If employees prefer, they may also breastfeed or express milk in their own private offices, as applicable, or in other comfortable locations agreed upon in consultation with the employee's supervisor.

Note: An employer that employs less than fifty (50) employees shall not be subject to the requirements above that would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

7b. Supervisors shall:

(1) Inform pregnant and breastfeeding employees about the worksite breastfeeding locations that will help facilitate each employee's infant feeding goals.

(2) Promote a positive atmosphere of support for breastfeeding employees.

7c. Employee Responsibilities:

(1) Keep supervisor informed of need for appropriate accommodations for breastfeeding (is this correct) or to express milk during the work period.

(2) Follow rules in keeping lactation areas clean, using anti-microbial wipes to clean the pump and area around it and keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

(3) Label all milk expressed with name and date collected if it is placed in a communal refrigerator.

8. **Implementation and Monitoring**.

8a. DBH employees shall be informed of this policy, including during employee orientation and posting notices in conspicuous locations.

8b. All contractors and grantees shall abide with this policy or have internal written policies and procedures consistent with this DBH policy.

9. **Complaints and Grievances**. An aggrieved person is encouraged to file a written complaint internally through the Equal Employment Opportunity Manager, DBH. Employees also have a right to file directly with the DC Office of Human Rights, alleging a violation of this policy within one (1) year of the occurrence or the discovery of the occurrence.

Approved by:

Tanya A. Royster, M.D.
Acting Director, DBH

10/5/15

Signature **Date**