Policy *134.2* Version 3 2/06/2018

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 134.2 NDSU Lactation Policy |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
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| * Is this a federal or state mandate? Yes
* Describe change: This is a new policy, related to all employees at NDSU, establishing family-friendly workplace guidelines in support of new mothers who wish to express breast milk during work hours. The policy is based on federal requirements; the Patient Protection and Affordable Care Act (PPACA) Section 4207 amended the Fair Labor Standards Act, Section 7.
* Version 2 changes include:
	+ Opening paragraphs stating NDSU commitment to, and benefits of, family-friendly policies like 134.2
	+ Opening paragraphs outlining expectation that employee will request flexibility in time from supervisor
	+ Opening paragraphs outlining expectation that supervisor will work with employee
	+ Added language about “breastfeeding and expressing breast milk” throughout policy
	+ 1.1 – added “at least” to the previous one year guideline
	+ 1.1.1 – added “shall be reviewed” by supervisor
	+ 1.3 – added “or near” regarding lactation space locations
	+ 2.1 – added language regarding need for supervisor flexibility with non-exempt employees in terms of break times for breastfeeding/expressing breast milk, especially due to travel time frequently required for employee to reach designated lactation rooms.
* Version 3 changes include:
	+ Last sentence of opening paragraphs language changed, per Matt Hammer (12/20/2017) to read “Supervisors shall”
	+ 1.2 – added sentence to address concerns, per Matt Hammer (12/20/2017), regarding lack of a specific lactation space in general work area for employee.
	+ New paragraph added, above last sentence, per Matt Hammer (12/20/2017), indicating that employees experiencing discrimination/harassment can file a complaint with the Equity Office.
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| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Human Resources/Payroll and Equity Office 2/21/2017
* Kara.Gravley-Stack@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** | 4/10/17 2/22/18 |
| **Faculty Senate:** | 4/11/17 |
| **Staff Senate:** | 4/11/17 3/7/18 |
| **Student Government:** | 8/27/17 |
| **President’s Cabinet:** | 4/11/17 2/26/18 |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 134.2
LACTATION POLICY**

SOURCE: NDSU President

As part of our family-friendly policies and benefits, NDSU supports breastfeeding employees by accommodating the employee who wishes to breastfeed or express breast milk during the workday. NDSU recognizes that supportive breastfeeding policies and practices in the workplace not only benefit the employee but also benefit the child and the employer. Employer benefits include greater workplace productivity, increased organizational loyalty, and increased job satisfaction. Breastfeeding employees experience higher productivity, fewer distractions, lower absenteeism to care for an ill child, and a lower risk of developing breast and ovarian cancer or diabetes. Babies experience immediate and long-term benefits from breastfeeding including better immune system development and tend to have fewer and less severe short-term illnesses and chronic illnesses.

Any employee who wishes to breastfeed or express breast milk in the workplace shall notify the supervisor and discuss any relevant workload or scheduling issues.

Supervisors shall work with their employees and within policy requirements to accommodate an employee who wishes to breastfeed or express breast milk.

1. NDSU shall provide:
	1. Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for breastfeeding or expressing breast milk for at least one year after child’s birth;
		1. After one year of child’s birth, continued breaks and work patterns to accommodate breastfeeding or expressing breast milk shall be reviewed and agreed upon with employee’s supervisor;
	2. A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk. If a designated lactation room is not available within reasonable proximity to the employee’s workspace, the supervisor will work with the employee to identify and, if needed, modify, an existing non-restroom space to temporarily serve that purpose;
	3. A convenient, clean, and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in or near the private location.

1. NDSU shall not be required to compensate an employee receiving reasonable break time for any work spent breastfeeding or expressing breast milk.
	1. Travel time to a lactation room must be considered and may extend the reasonable break time. Supervisors may permit extensions for reasonable break time with options that may include alternate start/stop times to the workday, rearranging break periods, and flexible scheduling. For non-exempt employees, supervisors will need to allow flexibility for employees to be able to earn all paid hours.

Employees experiencing workplace issues related to breastfeeding and lactation space and breaks may file a complaint with the Equity Office, per Policy 156: Discrimination, Harassment, and Retaliation Complaint Procedures.NDSU has the following lactation rooms and support resources available for nursing mothers: <https://www.ndsu.edu/equity/pregnancy/>

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HISTORY:

New ­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018