

Memo to: All UH-Downtown/PS Holders  
From: Antonio D. Tillis, Interim President  
Subject: Workplace Lactation

UH-Downtown/PS 02.A.28  
Issue No. 2  
Effective date: 02/15/2021  
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## 1. PURPOSE

The University of Houston-Downtown is committed to supporting University employees who are lactating and who choose to express milk during work hours. The purpose of this policy is to provide information on University lactation policy and locations.

## 2. DEFINITIONS

- 2.1 Lactation – For the purposes of this policy, lactation refers to the act of expressing breast milk. Although the university recognizes and supports women’s right to breastfeed in any location in which she is authorized to be pursuant to Texas Health and Safety Code, [Section 165.002](#), this policy only applies to the limited situation where an employee is manually or mechanically expressing milk.
- 2.2 Lactation Location – A space temporarily converted or permanently created (and designated) into a space for expressing milk or made available, when needed, for an employee who is nursing. The location must be shielded from view and free from any intrusion by coworkers and the public.

## 3. POLICY

UHD provides appropriate locations and reasonable break time for expressing milk to accommodate employees who are nursing mothers for a period of up to one (1) calendar year after the birth of the nursing child, pursuant to [Section 7\(r\) of the Fair Labor Standards Act](#). Exceptions beyond one year should be discussed in advance with the supervisor and the Benefits Department.

### 3.1 Lactation Break(s)

- 3.1.1 Ideally, the time will run concurrently with an employee’s paid break time. The University will make separate or additional time available if it is not possible for the lactation time to run concurrently with the employee’s existing paid break time, but the additional break time may be unpaid.

Note: Alternatively, personal leave, vacation time, intermittent Family and Medical Leave, or flexible scheduling may be used for this accommodation.

- 3.1.2 Supervisors are encouraged to support flexible work schedules to accommodate an employee’s needs associated with milk expression. Assuming the department

does not allow paid breaks, an example of a flexible schedule adjustment might include taking a 15-minute break in the morning and in the afternoon and a 30-minute lunch break; or by arriving fifteen minutes early to work and leaving fifteen minutes late. An example for a department that does allow two paid breaks of 15 minutes per day, a flexible schedule might be used to account for additional breaks an employee may need for milk expression beyond the standard amount of paid break time.

3.1.3 It is assumed that University operations will not be seriously disrupted by providing lactation time to the employee.

3.1.4 Faculty members must schedule their lactation breaks around their scheduled class times.

### 3.2 Lactation Locations

3.2.1 The University is committed to providing appropriate and accessible space for the employee to express milk in private.

3.2.2 The location may be where the employee normally works if there is adequate privacy to perform the activity (i.e., the employee's private office or another private area in the workspace).

3.2.3 Areas such as restrooms or non-private cubicles are not considered appropriate spaces for lactation purposes.

3.2.4 The University has a designated lactation room in the Student Health Services office, Suite S445, that is available during normal business hours, Monday through Friday, 8 a.m. to 5 p.m. After-hours access may be arranged by contacting the UHD Police Department. For the Marilyn Davies College of Business building, employees can make [online reservations](#) for the Business Study Rooms, Room B243. For the [College of Public Service](#) building, employees can reserve room C444 during normal business hours (7:30 a.m. - 4:30 p.m., Monday-Friday) by calling 713-221-5091 or 713-221-8906.

3.2.5 When necessary, appropriate space may be temporarily designated as a Lactation Location for the required time period. If business operations preclude the full-time designation of a Lactation Location, then the Lactation Location may be designated and appropriately marked only during the times when it is in use for lactation purposes. Standard lactation room signage will be used in this instance.

### 3.3 Expectations of Supervisor(s) and Accommodated Lactation Employee(s)

#### 3.3.1 Supervisors

- a. Supervisors shall ensure accommodations are administered consistently, equitably, and fairly.
- b. Supervisors shall ensure that regulations, rules, and coverage requirements are communicated in writing to lactation-requesting employees.
- c. Supervisors shall approve requests for lactation accommodations, including flex and/or altered schedules, in writing. In addition, supervisors shall respond to lactation accommodation requests promptly and ensure that lactation-requesting employees do not suffer negative consequences as a result of the lactation request.
- d. Supervisors shall be flexible in allowing requesting employees to select appropriate times to use an identified Lactation Location on campus, including allowing the employee with the time to travel to and from the closest Lactation Location to the employee's work area.

### 3.3.2 Employees

- a. Employees shall plan and organize their time to meet the job responsibilities established by their supervisor.
- b. Communicate with the supervisor regarding scheduling or other needs as far in advance as possible if planning to express breast milk while at work.
- c. Employees shall provide a written request for a flex and/or altered schedule.
- d. Employees are still expected to complete the required number of hours in a workweek, unless otherwise agreed to by their supervisor or arranged by the supervisor's designee.
- e. Employees shall inform their supervisor in writing if a change of schedule is required and find substitute coverage (as needed) that is acceptable to the supervisor.

3.4 To the extent allowed by federal and state law and University policy, Lactation Accommodation Requests will be handled confidentially. Only individuals with a business "need to know" will be made aware of a Lactation Accommodation Request and the resulting accommodation arrangements, if any.

3.5 If an employee has comments, concerns, or questions regarding this procedure, s/he shall contact her/his supervisor or ESO's Benefits Department at [benefits@uhd.edu](mailto:benefits@uhd.edu). Employees who feel they have been denied proper and appropriate lactation accommodation or who feel they are being retaliated against because of a request for

lactation accommodation are encouraged to contact ESO Employee Relations at [er@uhd.edu](mailto:er@uhd.edu).

#### **4. PROCEDURES**

- 4.1 Employees are responsible for requesting a lactation accommodation in writing prior to or during maternity leave, preferably no later than two (2) weeks before returning to work. [Lactation Accommodation Request](#) forms are available from Employment Services and Operations (ESO).
- 4.2 Supervisors receiving a Lactation Accommodation Request shall:
  - 4.2.1 Consult with the requesting employee and, if desired, the ESO Benefits Department to assess the request and accommodation options for a Lactation Location.
  - 4.2.2 Review available space in the department/division and provide the requesting employee with information about the Lactation Location.
  - 4.2.3 Provide the requesting employee with written confirmation as to final lactation accommodations.
  - 4.2.4 Return the completed form to ESO.
- 4.3 Refusing or Amending a Lactation Accommodation Request
  - 4.3.1 A supervisor cannot refuse to grant a Lactation Accommodation Request unless s/he can establish, in writing, that operations would be seriously disrupted by providing lactation time to the applicable employee in accordance with applicable laws.
  - 4.3.2 Any intent to refuse lactation accommodation to an applicable employee by a department head or supervisor must be made on a case-by-case basis and only after consultation with the ESO Benefits Department.
  - 4.3.3 A supervisor may only amend a Lactation Accommodation Request after consultation with ESO Benefits Department and upon a demonstration of good cause, as determined by the ESO Benefits Department.
- 4.4 Employees accommodated under this policy are responsible for cleaning the Lactation Location facilities after each use.

#### **5. EXHIBITS**

There are no exhibits associated with this policy.

## 6. REVIEW PROCESS

Responsible Party (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before August 1<sup>st</sup>.

Signed original on file in Employment Services and Operations.

## 7. POLICY HISTORY

Issue #1: 09/03/15

## 8. REFERENCES

[PS 02.A.01](#)

[PS 02.A.11](#)

[SAM 01.C.07](#)

[SAM 02.A.20](#)

[SAM 02.A.40](#)

[SAM 02.D.01](#)

[SAM 02.D.06](#)

[Patient Protection and Affordable Care Act, 29 U.S.C. Section 207\(r\)\(1\)](#)

[Texas Health and Safety Code, Chapter 165](#)

[Texas Government Code Sec. § 619.004](#)

[Section 7\(r\) of the Fair Labor Standards Act](#)

[Lactation Accommodation Request Form](#)