I. PURPOSE

The purpose of this policy, consistent with the Fair Labor Standards Act (FLSA) and Baltimore City Code, is to describe the Participating Organization's:

1. Commitment to promoting a work environment that recognizes and supports the need for employees to be able to express milk in a private and comfortable location.
2. Process for providing lactation breaks,
3. Process employees must follow when requesting lactation breaks,
4. Procedure for storing expressed milk.

II. SCOPE

A. This policy applies to all employees of the identified Participating Organizations.
B. For JHU employees, refer to HR038 Lactation Accommodations policy

This policy is not a contract of employment or guarantee of continued employment, and is subject to change at the discretion of the employer.

© Copyright 2023 by The Johns Hopkins Health System Corporation and/or The Johns Hopkins University
III. DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee</td>
<td>For the purposes of this Policy, the term “employee” includes all members</td>
</tr>
<tr>
<td></td>
<td>of faculty, staff, and student-employees regardless of compensation.</td>
</tr>
<tr>
<td>Lactation</td>
<td>The production and secretion of human milk by the mammary glands</td>
</tr>
<tr>
<td></td>
<td>(commonly referred to as chest/breastfeeding, pumping or expressing milk).</td>
</tr>
<tr>
<td>Lactation Space</td>
<td>A private, secure space for an employee to express milk, free from</td>
</tr>
<tr>
<td></td>
<td>distraction and disruption, and cannot be a restroom or closet.</td>
</tr>
</tbody>
</table>

IV. POLICY

A. The Participating Organizations provide a reasonable amount of break time and designated locations, other than a restroom, for employees to express milk as long as the employee decides to express milk. An employee must notify the Participating Organization of the need for lactation breaks using the procedure below.

B. Employees who utilize lactation breaks must be paid for short breaks (20 minutes or less). If the employee is a non-exempt (hourly) employee and their break exceeds 20 minutes, their supervisor should make a good-faith effort to permit the employee to make up the time. If no reasonable opportunity exists for a non-exempt employee to make up the time, a break time in excess of 20 minutes will not be paid. Employees who are exempt under the Fair Labor Standards Act (FSLA) will not have pay docked for taking a break to express milk. If possible, break time may be taken during regularly scheduled meal and rest breaks. If the time for an employee’s break time does not run concurrently or when additional time is necessary, the break time may be unpaid.

C. The Participating Organization will also provide a reasonable amount of break time for expressing employees working in a remote status.

D. Lactation breaks must be taken in the areas designated by the Participating Organization.

E. The employee is responsible for proper storage of expressed milk. Participating Organizations are not responsible for the safekeeping of expressed milk stored on its premises. The Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Administration (OSHA) do not consider human milk as a biohazard or a potentially infectious material nor does contact with breast milk constitute occupational exposure. Employees must take the following steps when storing breast milk on the premise of the Participating Organizations.

1. Use waterproof ink to label a suitable container with the employee’s name, department, and the date and time of collection; and
2. Store the container in a personal cooler marked with the employee’s name and department, or a specially designated refrigerator, if one is available.
3. Lactation equipment (e.g. a breast pump) is cleaned, dried, and stored in a sanitary environment to protect equipment and expressed milk from contamination.

V. RESPONSIBILITIES

A. Participating Organization:

1. Provide appropriate areas and time for lactation breaks.
   a. This must be a clean area, other than a bathroom or closet, that is free of toxic or hazardous materials, and is shielded from view and free from intrusion from coworkers and the public.
   b. There must be limited access to the area via a door that can be locked from the inside.
   c. The area must contain a surface (e.g. table, countertop, or shelf) on which to place equipment used for lactation and other personal items; a place to sit; and at least one electrical outlet.

This policy is not a contract of employment or guarantee of continued employment, and is subject to change at the discretion of the employer.

© Copyright 2023 by The Johns Hopkins Health System Corporation and/or The Johns Hopkins University
d. The area must also be equipped with a sink with running hot and cold water and a refrigerator or cooler to store the breast milk if not already easily accessible in the employee's work area.

2. A lactation location may be multi-purpose or multi-use so long as the primary function of the area is its use for lactation breaks, and that primary function takes precedence over all other functions.

3. Employees who have private offices may use that space if desired.

4. Provide appropriate time for chest/breastfeeding/pumping breaks for remote employees.

5. Suspected violations to this policy may be reported to the Participating Organizations' local Human Resources office.

B. Employee:
1. Provide notice of the need for lactation breaks.
   a. Non-Exempt, on-site, employees should provide appropriate notice of the need for lactation breaks exceeding 20 minutes.

2. Take lactation breaks in the designated lactation locations.

3. Follow proper storage procedures.

C. Non-Exempt Remote Employees:
1. Provide appropriate notice of the need for chest/breastfeeding breaks exceeding 20 minutes.

VI. PROCEDURE
A. Employees needing to take lactation breaks during the working shift must complete the Lactation Support Accommodation Form on the Lactation Support Program website. Supervisors will receive a copy of their employee's accommodation form and must acknowledge within five business days. The supervisor or departmental administrator will engage in an interactive process with the employee to determine reasonable lactation break periods and a lactation location appropriate for the employee. Refer to the Lactation Support Program website for a list of lactation locations across all campuses.

B. Baltimore City Required Documentation
1. General: Once an employee completes the Lactation Accommodation form, a copy will be sent to their supervisor. The supervisor must then acknowledge the employee's lactation accommodation within five (5) business days via electronic signature. Once signed, a confirmation will be sent back to the employee.

2. Record Keeping and Documentation: Participating Organizations must retain all requests for lactation accommodations for three (3) years from the date of each request. Documentation records should include the name of the employee; the date of the initial request and any update(s) to the request; a copy of all correspondence (written or digital) between the employer and the employee regarding the request; and a description of how the request was resolved.

3. Notice of Rights and Prohibition Against Retaliation: All lactating employees have a legal right to request lactation accommodations. Any employee aggrieved by an alleged violation of the Baltimore City Code may file a complaint with the Baltimore Community Relations Commission. The Baltimore City Code expressly prohibits retaliation against lactating employees for exercising their rights conferred by the Baltimore City Code. This includes those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. Refusal to grant a lactation accommodation requires a written response to the employee's request detailing the specific basis for the refusal. The Participating Organization also prohibits retaliation.

VII. REFERENCES
1. Federal, state and local fair employment practices laws
2. JH Work, Life and Engagement Breastfeeding Support Program

This policy is not a contract of employment or guarantee of continued employment, and is subject to change at the discretion of the employer.

© Copyright 2023 by The Johns Hopkins Health System Corporation and/or The Johns Hopkins University

VIII. SPONSOR
• Senior Vice President of Human Resources for JHM

IX. REVIEW CYCLE
Three (3) years

X. APPROVAL

<table>
<thead>
<tr>
<th>Committee Approval</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>JHM Corporate and Administrative Policy Committee</td>
<td>5/11/23</td>
</tr>
<tr>
<td>JHM Corporate Staff Committee via email vote</td>
<td>8/3/23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electronic Signature(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inez Stewart</td>
<td>08/03/2023</td>
</tr>
<tr>
<td>Senior Vice President, Human Resources Johns Hopkins Medicine</td>
<td></td>
</tr>
<tr>
<td>Lisa Ishii</td>
<td>08/03/2023</td>
</tr>
<tr>
<td>President, Johns Hopkins Surgery Center Series; Senior Vice President, Operations, Johns Hopkins Health System</td>
<td></td>
</tr>
</tbody>
</table>