



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
PRS: 25	
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SUBJECT: USE OF BREAST PUMPS IN THE WORKPLACE

1.0 PURPOSE

The purpose of this policy is to safeguard a nursing mother’s right to use a breast pump in the workplace and to allow her a flexible break time in which to use such a pump.

2.0 POLICY

It is the policy of the Department of Public Safety to foster the ability of a nursing mother who is an employee of the Department to use a breast pump in a clean and private place near the employee’s workspace. It is the Departments policy to also provide for a simplified and uniform method of requesting and approving flexible break time and to allow for a place for the use of a breast pump.

3.0 APPLICABILITY

This policy applies to all employees of the Department of Public Safety.

4.0 REFERENCES

- A. Chapter 28, article 20 NMSA 1978 as amended by HP 613 passed by the 2007 Legislature
- B. Title VII of the Civil Rights Act of 1964
- C. 29 C.F.R Part 1604.10

5.0 DEFINITIONS

- A. **DPS** – Department of Public Safety
- B. **Breast Pump** - a mechanical device (powered manually or by electricity) that extracts milk from the breast of a woman who is lactating.
- C. **Supervisor** - for purposes of this policy, a supervisor who is a law enforcement or civilian employee of the DPS who is charged with overseeing the work assignments of one or more individuals, whether civilian personnel or commissioned officers, as well as uniformed employees holding the rank of sergeant or higher and the Deputy Secretaries and Secretary of the DPS.
- D. **DPS Building** - Any building owned, leased, or operated by the Department of Public Safety, which includes the Headquarters Offices, Law Enforcement Academy, remote district offices, subdistrict offices, ports of entry, etc.

6.0 PROCEDURE

- A. **General Guidelines**

USE OF BREAST PUMPS IN THE WORKPLACE

1. The Department of Public Safety shall provide a space within each DPS Building for using the breast pump that is: (a) clean and private; (b) near the employee's workspace; and (c) not a bathroom; and
2. The department shall also provide flexible break times for the use of the breast pump.
3. The department shall not be liable for: (1) storage or refrigeration of breast milk; (2) payment for nursing mother break time which exceeds established employee breaks; or (3) payment of overtime while a nursing mother is using a breast pump.

B. Procedural Steps

1. Upon receiving a written or verbal request for the use of a breast pump in the workplace from a woman who has either recently given birth or who is pregnant, the supervisor will initiate the Breast Pump Use Request form which is attached to this policy.
2. Once Section A of the Breast Pump Use Request form, is completed and signed the supervisor will immediately enter into discussions with the requesting individual to determine an appropriate flexible schedule and location to facilitate the use of the breast pump.
3. Supervisors are responsible for making every effort to accommodate the requests of the new mother while assuring scheduling coverage so that operations are not significantly impacted.
4. If the supervisor and requesting individual are unable to agree upon a suitable location and schedule for pumping of breast milk it is the responsibility of the supervisor to request input from his or her next level supervisor and the EEO office.
5. Once the final determination is made as to the location and the schedule, Section B of the Breast Pump Use Request form must be completed, signed and a copy forwarded to the EEO Office.
6. It will be the responsibility of the lactating mother to promptly inform her immediate supervisor when the need for flexible schedule and private location for the pumping of breast milk no longer exists.

7.0 ATTACHMENTS

A. Breast Pump Use Request Form

8.0 APPROVAL

APPROVED BY: s/ John Denko
DPS Cabinet Secretary

DATE: July 03, 2007