GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.12 Use of a Breast Pump in the Workplace Policy

043.12.1 Purpose

In accordance with House Bill 613 enacted by the State of New Mexico legislature 2007, the following policy sets forth responsibilities of all Human Services Department (HSD) offices and facilities in order to foster the ability of a nursing mother who is an employee to use a breast pump in the workplace.

043.12.2 Definitions

A. "Breast Pump" means a mechanical device (powered manually or by electricity) used by women who are lactating.

B. "Employee" means a person employed by New Mexico's HSD in a permanent, probationary, term, temporary, or emergency position.

C. "Space" means a clean, private and enclosed area that is not a bathroom and is near the employee's workspace, that is, in the same office building.

D. "Workplace" means the same office building as the employee's workspace.

043.12.3 Responsibilities of HSD Managers

A. Each HSD office and facility shall provide:

1. Flexible break times; and

2. A clean, private and enclosed space for using the breast pump that is not a bathroom and is near the employee's workspace, that is, in the same office building.

    a. The space provided may be used for other purposes when not needed by a nursing mother. In this case, provisions will be made to allow nursing mothers to reserve the space in advance and to receive priority for its use.

    b. Local office management shall provide signage that is placed by the nursing mother on the door to the room indicating the room is currently in private use.

    c. If necessary, the space(s) designated may be flexible, for example, when offices are not in use because of currently open positions.

B. The location of designated spaces must be communicated to all personnel working within the building or facility.

C. Each office/facility will report to their Division Director identifying the space to be used for this purpose and subsequent changes to this location. Each Division Director will provide this location and subsequent changes to property management in the General Services Bureau of HSD's Administrative Services Division (ASD).

D. HSD management is not liable for:

1. Storage or refrigeration of breast milk;

2. Payment for a nursing mother's break time in addition to established employee breaks; or

3. Payment of overtime as a result of time spent by a nursing mother using a breast pump.

043.12.4 References

House Bill 613, 48th Legislature, State of New Mexico, 2007: An Act Relating to Nursing Mothers; Safeguarding a Nursing Mother's Right to Use a Breast Pump in the Workplace and to have a Flexible Break Time in Which to Use It (28-20-2 NMSA 1978).

APPROVED: DATE:

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