

2023

City of Albuquerque Lactation Information



**BetterHealth**

CITY OF ALBUQUERQUE

*Better you.*

Department of Human Resources  
Insurance and Benefits Division

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## FMLA Maternity Overview

Enclosed is the **Administrative Instruction No. 7-53 Break Time for Lactation**. The policy was enacted April 4<sup>th</sup>, 2016. Please take a few minutes to review each section.

Please also read the enclosed **Lactation Room Procedures for Employees** if you work in or near City Hall. The Lactation Room contains a comfortable and private area for expressing milk. However, the room is secured. Please contact the BetterHealth Clinic Administrative staff to gain access to the Lactation Room in City Hall.

Finally, enclosed is a list of **Lactation Room locations** throughout the City as well as **Presbyterian Health Plan Members: Covered Infant Feeding Support and Supplies** information that provides details about the supplies needed for the feeding pump, should you want to use the commercial-grade pump in City Hall.

Infant feeding benefits both parent and child, but too often there is a gap between a parent's desire to feed their baby and support at work to succeed. Although a majority of parents *plan* to express milk to feed their baby, a much lower proportion actually do when they return home after delivery. The City of Albuquerque recognizes the importance of infant feeding and supports accommodation of parents who choose to continue expressing milk after they return to work.

**Remember to enroll your newborn within 31 days of birth in Employee Self Service.**

Infant feeding is a huge accomplishment and you have our support!

Best in health to you and your family,

The BetterHealth Program Team

*For additional information, online at [www.cabq.gov/benefits](http://www.cabq.gov/benefits) or please contact Insurance & Benefits at (505) 768-3758.*



# City of Albuquerque

## MAYOR / CAO OFFICE

Richard J. Berry, Mayor

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**ADMINISTRATIVE INSTRUCTION NO:** 7-53 (2016)

**TITLE:** Break Time for Lactation

**PRIMARY DEPARTMENT:** Human Resources Department

The City of Albuquerque recognizes the health benefits of breastfeeding and supports accommodation of mothers who choose to utilize their own breast pump to express breast milk upon returning to work after maternity leave of absence.

This Administrative Instruction is in compliance with the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act (PPACA), which took effect on March 23, 2010 (P.L. 111-148). PPACA also amended Section 7(r) of the Fair Labor Standards Act (FLSA) which regulates break time for nursing mothers.

This Administrative Instruction also aligns with New Mexico state law [NMSA 1978, Section 28-20-2 (Amended 2007)] which requires employers to provide flexible break time and a clean, private space, not a bathroom, in order to foster the ability of a nursing mother who is an employee to use a breast pump in the workplace.

### Policy

#### A. Flexible Scheduling

1. A nursing employee is allowed to use a breast pump to express milk during the work day using her regular break and meal periods. Since the frequency and duration of lactation breaks will likely vary throughout the nursing period, a nursing employee shall be allowed a reasonable flexible break schedule for lactation with her own breast pump. The time allowed for milk expression breaks each work day will not exceed the combined total amount of time for regular employee break and meal periods. For time above and beyond the combined total amount of time for break and meal periods, the employee may request a lactation break schedule that includes the use of available vacation or sick leave accruals. An employee who does not have sufficient vacation or sick leave accruals must request the use of Personal Leave Without Pay.

2. Under no circumstances will the employee be paid overtime pay to complete their work due to the time required to express milk.

3. In order to prepare a work schedule and coverage for a nursing employee who provides uninterrupted city services, the employee must provide to her supervisor at the beginning of each pay week a proposed schedule for expressing milk with a breast pump.

4. All flexible lactation break schedule requests are subject to approval by the

department based on reasonableness of the request. Supervisors will consult with the employee to identify a flexible break schedule that considers parameters of the employee's job description and the service being provided.

#### B. Designated Lactation Space

1. Each department will provide a sanitary, lockable, private room or other space where an employee can express milk with her own breast pump in privacy, shielded from view, and free from intrusion from coworkers and the public. This room or space may be used by other on-duty city employees when the room is not being used to express milk.

2. Where possible, the room will be located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. Where possible, the room or space will be in close proximity to the employees' work area. The room may not be a toilet stall or bathroom. If employees prefer, they may express milk in their own private office or other comfortable locations agreed upon in consultation with the employee's supervisor.

3. It is the employee's responsibility to keep the location clean after each use and remove any personal items.

4. Nursing employees who do not work in an office setting but provide uninterrupted city services may be required to use a room or space established by this Administrative Instruction at a city facility that is not operated by the department in which the employee works. The employee would be required to use this room or space in order to minimize travel time to and from the employee's work location to the room or space.

5. Some departments may elect to provide transportation for the employee from the field to the building in which the lactation space is located.

6. Twice a year, in January and in July, the Human Resources department will distribute a list of each city facility that has or may have a private room or space for expressing milk. This list will provide the following information: Name of facility or complex, street address, days and hours of operation, location of the room or space, parking information, any restrictions for the use of the room or space, contact name, phone number, and email address. Department representatives may use the list to identify facilities that meet the needs of their department. Each department is responsible for making lactation space arrangements.

#### C. Storing Breast Milk

1. Nursing employees will provide their own containers and storage unit such as small ice chest or thermos from home if these accommodations are not in place.

2. If breast milk is stored in a common refrigerator, the expressed milk container must be placed in a clean, closed container, which has the mother's name and date on it. It is the employee's responsibility to remove expressed milk at the end of each day.

#### D. Employee's Responsibility

1. Employees need to inform their supervisor as early as possible of their intention to continue breast pumping following maternity leave of absence. At least two (2) weeks' advance notice should be given. This provides the department time for all necessary arrangements to be made.

2. At the beginning of each pay week, provide the supervisor a proposed break schedule for expressing milk with a breast pump.

E. Supervisor's Responsibility

1. Upon receiving an employee's advance notification of her intention to express milk during the work day, the department must take necessary steps to ensure schedule and room arrangements are made prior to an employee's return to work.

2. Retaliation is prohibited against an employee who files a complaint, institutes a proceeding, or testifies in a lactation break time investigation (Section 15(a)(3) of the FLSA).

F. Human Resources Department Responsibility

1. Provide list identified in section B-6 of this Administrative Instruction.

2. As part of the procedure for applying for maternity leave under the Family and Medical Leave Act, mothers shall be provided this Administrative Instruction.

G. Maximum Time Frame for Schedule Adaptation

1. The flexible lactation break schedule and space accommodations for employees will expire one year from the date of birth of the child.

2. If the employee discontinues breast pumping before the child's first birthday, the employee is obligated to inform her supervisor of the date she will discontinue breast pumping. Failure to inform the supervisor upon discontinuing breast pumping and continuing to utilize the space accommodations or schedule adaptation would be considered a policy violation subject to appropriate disciplinary action.

H. Scope

This Administrative Instruction applies to all current employees, classified and unclassified, including but not limited to interns, volunteers and seasonal employees.

**REFERENCES:**

Patient Protection and Affordable Care Act (PPACA)

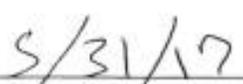
Section 7(r) of the Fair Labor Standards Act (FLSA)

NMSA 1978, Section 28-20-2 (Amended 2007)

Section 15(a)(3) of the FLSA



**Robert J. Perry**  
**Chief Administrative Officer**



**Effective Date**

# Lactation Room Procedures for Employees



## Nursing Parents:

- The Lactation Room is located in the NEW BetterHealth Clinic, which is in the basement of City Hall – directly across from the Employee Learning Center.
- Please be sure to use the sign in sheet when you use the Lactation Room.
- If you use the provided feeding pump, you **must** supply your own tubing, adaptor, bottles, and baggies.
- Feeding pumps are to be used only in the Lactation Room and not to be taken out of the rooms.
- Do not use other people's equipment.
- Only expressed milk may be stored in the room's refrigerator. Label your bottles and baggies with your name, date, and phone number when placing them in the refrigerator. Remove your expressed milk at the end of each day.
- Please wipe down the room before leaving.
- Track your personal belongings, as only you are responsible for items left in the Lactation Room.



## Waiver for Feeding Pump Use

- I understand the City of Albuquerque is providing a feeding pump.
- I acknowledge use of the available feeding pump is voluntary.
- I understand the City of Albuquerque will make the best effort to maintain the feeding pump, but the City of Albuquerque does not guarantee the feeding pumps will be available or functioning properly.
- I have read and received a copy of the Lactation Room Procedures, and I agree to comply with the Procedures.
- I understand I have an opportunity to learn about the provided feeding pumps by reviewing product information on the Ameda website at Ameda.com and search for the Ameda Elite Multi-User Breast pump. Materials are third party and the City of Albuquerque does not accept responsibility for accuracy or completeness of third-party materials.
- I release the City of Albuquerque and any of its entities and employees from loss, damage, injury, accident, liability, claim, cost or expense arising from use of a feeding pump.

Please check one:

- I intend to use the City of Albuquerque provided breast pump.
- I intend to use the Lactation Room, but I do **not** intend to use the City of Albuquerque provided breast pump.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# PRESBYTERIAN HEALTH PLAN SUPPORT AND SUPPLIES

## **Presbyterian Health Plan Members: Covered Infant feeding Support and Supplies**

The Affordable Care Act (ACA) makes infant feeding more accessible and affordable for millions of American women. The law requires all health plans to cover infant feeding supplies, support, and counseling without co-payments, deductibles, or co-insurance using in-network providers and with a prescription from your doctor.

### ***What the City of Albuquerque provides:***

Nursing Lactation Room locations

- City Hall – First Floor – Call the CABQ Insurance and Benefits Division at 505-768-3758 for information.
  - The room contains one station with hospital-grade Ameda Elite Breast pumps \*Bring your own Ameda brand personal tubing and adaptor for pump hookup\* The Ameda Elite is designed to work faster than personal breast pumps and with any of the Ameda HygieneKit\* Milk Collection Systems. A refrigerator is available for breast milk storage and there is a sink located near the room.
- Visit <https://cabq.gov/BetterHealth> for a list of all lactation room locations. Contact your HR Coordinator or the Wellness Coordinator for more information.

### ***Your covered benefit through Presbyterian:***

For the in-network breast pump benefit with a \$0 copay, two brands are available to choose from, with a prescription. NOTE: Only the Ameda *Purely Yours Express* breast pump has compatible tubing with the Ameda *Elite* breast pump located in City Hall. Hospital grade pumps require prior authorization and they are prescribed when medically necessary. Other breast pumps are available at an out-of-network benefit level and they are covered under the Durable Medical Equipment (DME) benefit. You will pay 50 percent of the cost and it is subject to deductible.

### ***Where can you obtain your breast pump supplies?***

You can go to one of the following in-network DME locations:

#### **Apria**

4421 McLeod Blvd NE | Suite A | 87109 | Phone (505) 881-9111

4140 Jackie Road SE | Rio Rancho | 87124 | Phone (505) 717-8010

#### **HME Specialists, LLC**

611 Osuna Rd NE | 87113 | Phone (505) 888-6500

[www.phs.org](http://www.phs.org) | **Presbyterian Health Plan, Inc.**

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## CABQ LACTATION LOCATIONS

Department	Facility	Contact Name	Contact Phone	Contact Email
Aviation	Albuquerque International Sunport	Regina "Sam" Samaniego	505-244-7721	<a href="mailto:rsamaniego@cabq.gov">rsamaniego@cabq.gov</a>
Animal Welfare	Animal Welfare	James Pyle	505-764-1127	<a href="mailto:jpyle@cabq.gov">jpyle@cabq.gov</a>
City Clerk	Plaza Del Sol – 7 <sup>th</sup> Floor	Camille Chavez	505-263-1797	<a href="mailto:camillechavez@cabq.gov">camillechavez@cabq.gov</a>
Senior Affairs	North Domingo Baca Multigenerational Center	Tom Gallagher	505-764-6478	<a href="mailto:tgallagher@cabq.gov">tgallagher@cabq.gov</a>
City Hall	BetterHealth Clinic – CH Basement	BetterHealth Clinic	505-510-5999	<a href="mailto:employeebenefits@cabq.gov">employeebenefits@cabq.gov</a>
Solid Waste	Administrative Offices	Joy Serna	505-761-8151	<a href="mailto:jaserna@cabq.gov">jaserna@cabq.gov</a>
Transit	Alvarado Transportation Center	Margaret Lucero	505-724-3198	<a href="mailto:margaretlucero@cabq.gov">margaretlucero@cabq.gov</a>
APD	APD Main	Front Desk Security	505-768-2020	

### **For more information such as:**

- Days and hours of operation
- Parking information
- Address details

Please visit our website at [cabq.gov/BetterHealth](http://cabq.gov/BetterHealth)

## Other Valuable Resources

- **BetterHealth Website:** <https://Cabq.gov/BetterHealth>
- **Presbyterian PRESious Beginnings:** <https://www.phs.org/doctors-services/services-centers/womens-health/Pages/presious-beginnings.aspx>
- **Presbyterian Infant feeding Information:** <https://www.phs.org/doctors-services/services-centers/womens-health/Pages/breastfeeding-support-services.aspx>
- **New Mexico Breastfeeding Task Force:** <https://breastfeedingnm.org/>