

## **Breastfeeding Support in the Workplace/Policy Brief**

In August 2008, the Administrator for the Community and Public Health Division at the Wyoming Department of Health (WDH) convened a group at the behest of the Director to draft a policy for breastfeeding support in the work place (BSW). The group was made up of division staff, including the Administrator, and staff from the Women, Infants, and Children (WIC) Program, Public Health Nursing, Epidemiology, Child and Adolescent Health, and Maternal Child Health.

For the first several months the staff met and conducted a review of potential key components of lactation work place support policies from other state health departments and lactation friendly businesses.

In January 2009, the group presented a review of current literature to the WDH Director on the benefits of lactation support to the employee, WDH, and the community. In response, the Director requested a draft policy for lactation support in the work place.

In February 2009, a draft policy was provided to the WDH Director and it went through multiple revisions for the next 21 months. The draft policy included break time for nursing mothers to express breast milk and/or to bring their breastfed infant(s) to work for the first six months of life.

In late Fall 2010, the policy ended up at Wyoming Risk Management and a conversation began between this department and the Attorney General's Office in regard to the potential liability for the State of Wyoming in regard to having breastfed infants in the work environment. At the same time, the Affordable Care Act was passed that included changes to the law (see *Reasonable Break Time for Nursing Mothers* attached). The BSW group, subsequent to the implementation of the new law, brought this new legislation to the attention of the Director's Office. Following these two events, the BSW draft policy under review (attached) was never implemented by the WDH.

In May 2011, with the arrival of a new WDH director, a new BSW policy was approved and released. This second policy was a restatement of a newly issued policy to state employees by the Human Resources Office at the Department of Administration. This latter policy adopts the breastfeeding support in the work place language from the 2010 Affordable Care Act. The best reference for this new language is the Fair Labor Standards Act (FLSA) Fact Sheet (attached).