



MEMORANDUM

The City of
Oklahoma City

HUMAN RESOURCES BULLETIN 23-01

(Replacing Memorandum – Health Care Reform and Nursing Mothers, July 16, 2010)

TO: All Department Directors/Division Managers

FROM: Aimee Maddera 
Chief Human Resources Officer

DATE: April 28, 2023

SUBJECT: The Patient Protection and Affordable Care Act of 2010, the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act), the Pregnant Workers Fairness Act (PWFA)

I. PURPOSE

In 2010 Congress passed the Patient Protection and Affordable Care Act of 2010 which required employers to provide reasonable breaks and a private location, other than a bathroom, for nursing employees to express milk for their infants. Congress recently passed the Providing Urgent Maternal Protections for Nursing Mothers Act (“PUMP Act”) and the Pregnant Workers Fairness Act (“PWFA”). These new laws expand the protections to pregnant and breastfeeding employees. This Human Resources Services Bulletin provides the requirements of these laws and the process in which the City will use to implement them.

II. STATEMENT OF POLICY

The City is committed to maintaining a family-friendly work environment as it pertains to nursing mothers returning to the workplace. It is the policy of the City that:

- Nursing employees have reasonable breaks in a private location, other than a bathroom, for the expression of breast milk for *up to one year* following the birth of the employee’s child.
- These breaks will be paid if they occur over an otherwise paid break or if the employee is not relieved from duty completely. The City is not required to pay non-exempt employees over an otherwise unpaid break period.
- An employee will be reasonably accommodated for known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship for the City.

III. REASONABLE ACCOMMODATION

Milk Expression: Every Department will consider where there is available space for an employee to express milk that is private (shielded from public view and free from intrusion from any co-workers or the public) and is not a restroom. The location must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing employees' use, it must be available when the employee needs it. An example of a location would be an empty office with a lock on the door.

Pregnancy, childbirth, or related medical conditions: The employee is required to give the City notice of their limitations and then participate in the same interactive process the City uses under an ADA reasonable accommodation request (refer to the current Personnel Services / Human Resources Bulletin on *Compliance with The American with Disabilities Act*).

The PFWA prohibits an employer from requiring an employee to accept an accommodation without a discussion between the employer and employee. In addition, the PFWA prohibits the accommodation for an employee to be a forced paid or unpaid leave if a different accommodation is available that would allow the employee to continue working.

IV. COMPLAINT PROCEDURE

Any employee who believes they have been subjected to any violation of policies related to this procedure, including but not limited to policies related to discrimination, harassment, retaliation and/or workplace bullying shall refer to the current Personnel Services / Human Resources Bulletin on *Policy Prohibiting EEO-related Discrimination and/or Harassment, including Sexual Harassment, Workplace Bullying, and Retaliation*).

V. QUESTIONS

Questions related to the PUMP Act or PFWA and its application to an employee should be directed to the Employee and Labor Relations Division of the Human Resources Department.