



ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SUNSET VALLEY, TEXAS AMENDING THE HUMAN RESOURCES POLICY MANUAL OF THE CITY BY ADDING SECTION 9.15 MOTHER FRIENDLY WORKPLACE POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHERE AS, the American Academy of Pediatrics (AAP) affirms that: breastfeeding and human milk are the reference normative standards for infant feeding and nutrition that confer unique nutritional and non-nutritional benefits to the infant and the mother and, in turn, optimize infant, child, and adult health as well as child growth and development. Such that infant feeding should not be considered a lifestyle choice but rather a basic health issue; and,

WHERE AS, the federal Patient Protection and Affordable Care Act, requires employers to provide “reasonable break time” for nursing mothers; and,

WHERE AS, HB786, Texas Government Code Chapter 619, provides that an employee of a public employer, which by definition includes municipalities, is entitled to express breast milk at the employer’s workplace;

WHERE AS, HB 786, Texas Government Code Chapter 619, requires a public employer to develop a written policy on the expression of breast milk;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS:

SECTION 1. AMENDMENT OF CITY OF SUNSET VALLEY HUMAN RESOURCES POLICY MANUAL.

Section 9.15 MOTHER-FRIENDLY WORKPLACE is added to read:

Statement of Purpose

In recognition of the well documented health advantages of breastfeeding for infants and mothers, Sunset Valley offers a mother-friendly workplace lactation support policy in accordance with Texas Health and Safety Code 165.003. This policy provides a work environment that is supportive of lactating mothers and encourages breastfeeding of their children up to one year following their birth.

Notification of Policy to All Employees

The Mother-Friendly Workplace policy shall be disseminated to every incoming employee of the City during orientation. Supervisors are responsible for notifying all current employees of this policy and alerting pregnant and breastfeeding employees about this policy before beginning maternity leave.

Time and Leave

49 Work schedule and work pattern flexibility will be provided to reasonably accommodate a break for an
50 employee to express breastmilk for a nursing child or to breast feed each time such employee has need
51 to express the milk or breastfeed, for up to one year after the child's birth.

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53 A breastfeeding employee is allowed to breast feed or express milk during work hours, using her normal
54 meal and compensated break times. For time needed beyond these usual breaks, and with approval
55 from her Department Head alternative and flexible work schedules may be authorized, such as the
56 employee may arrive at work earlier or stay later than her regular hours. Unless authorized for the
57 alternate work schedule, activities beyond the regular break time is unpaid.

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59 **Facility, Including Breastmilk Storage**

60 The City of Sunset Valley shall provide a mixed use space, other than a bathroom, for lactating mothers,
61 that is shielded from view and free from intrusion from coworkers and the public, for the purpose of
62 expressing breastmilk each time such employee needs to express the milk.

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64 The space shall have at a minimum a locking door, an electrical outlet, a clean work surface, a
65 comfortable chair and access to a safe water source and a sink within a reasonable distance.

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67 Lactating mothers will have priority over all other uses of the mixed space. If the employee prefers, she
68 may also express breastmilk in her own private office or in another private location agreed upon in
69 consultation with her Department Head.

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71 Employees may store their expressed milk in either their own personal insulated cooler with ice packs or
72 in any of the refrigerators for employee use in the City. As with any personal food item, handling and
73 supervision of the expressed milk is the sole responsibility of the employee.

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76 **SECTION 2. SEVERABILITY.** If any part of this Ordinance, or the application of the same to any person or
77 set of circumstances is for any reason held to be unconstitutional, invalid, or unenforceable, the validity
78 of the remaining portions of this Ordinance shall not be affected thereby, this being the intent of the
79 City Council in adopting this Ordinance, and all provisions of this Ordinance are declared severable for
80 that purpose.

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82 **SECTION 3. EFFECTIVE DATE.** That this Ordinance shall take effect immediately from and after its passage
83 and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

84
85 **SECTION 4.** That it is hereby officially found and determined that the meeting at which this Ordinance is
86 passed was open to the public as required and that public notice of the time, place, and purpose of said
87 meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

88
89 **PASSED AND APPROVED** on this _____ day of August, 2015.

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91 ATTEST: **CITY OF SUNSET VALLEY, TEXAS**

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94
95 _____

96 Rae Gene Greenough, City Secretary Rose Cardona, Mayor