



# Town of Londonderry, New Hampshire

## Administrative Policies and Procedure

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Policy Title: **Lactation Accommodation Policy**

Policy Number: ADM-161

Original Adoption Date: 07/28/2025

Revision Date:

Approved by: Shaun Mulholland

Signed by:

*Shaun Mulholland*

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### Section 1.0: Purpose

This policy supports the health and well-being of nursing employees and their children by providing reasonable accommodations for lactation in accordance with the Fair Labor Standards Act (FLSA), the PUMP for Nursing Mothers Act (PUMP Act), and New Hampshire RSA 275:82-87 (effective July 1, 2025).

### Section 2.0: Scope

This policy applies to all employees who need lactation accommodations.

### Section 3.0: Definitions

- **Lactation:** The physiological process of producing and secreting breast milk.
- **Lactation Accommodation:** Reasonable arrangements made by an employer to enable a nursing employee to express breast milk during work hours. This includes break time and access to a private space that is not a bathroom.
- **Nursing Employee:** An employee who is breastfeeding or expressing breast milk for a child.
- **Lactation Break:** A designated break during the workday provided for the purpose of expressing breast milk. Under this policy, typically 30 minutes for every three hours worked.
- **Private Space:** A designated area for lactation that is shielded from view, free from intrusion, not a bathroom, and within reasonable walking distance from the employee's workstation.
- **Reasonable Accommodation:** An adjustment or modification provided by an employer to enable employees to perform their job while meeting lactation needs, unless doing so would cause undue hardship.
- **Undue Hardship:** A situation in which providing a lactation accommodation would result in significant difficulty or expense to the employer, taking into account the employer's size, resources, and the nature of the accommodation requested.
- **Retaliation:** Any adverse action taken against an employee for asserting rights under this policy, including requesting or taking lactation breaks or filing a complaint.

### Section 4.0: Policy Detail

Employees who are nursing parents will be provided with reasonable break time and a private space to express breast milk for up to one year after the birth of a child.

## **Section 5.0: Procedures**

### **Section 5.1: Break Time for Lactation**

The Town of Londonderry will follow the break time rules below:

1. Nursing employees may take unpaid breaks of approximately 30 minutes for every three hours worked to express milk.
2. These breaks may run concurrently with other paid breaks and meal periods.
3. Employees will not be required to make up time taken for lactation breaks.
4. Nursing employees must provide at least two (2) weeks' notice of the need for lactation accommodations, where practicable.

### **Section 5.2: Lactation Space**

The Town of Londonderry will provide:

1. A private, non-bathroom space that is:
  - a. Clean
  - b. Shielded from view
  - c. Free from intrusion
2. The space will be:
  - a. Within reasonable walking distance of the employee's workstation
  - b. Equipped with a chair and electrical outlet, where feasible
  - c. If the space is shared or multi-purpose, access will be available upon request, and the room will be reserved as needed.

### **Section 5.3: Responsibilities**

#### **5.3.1 Employee Responsibilities**

1. Notify your supervisor or Human Resources in writing or verbally at least two (2) weeks in advance of needing lactation accommodations.
2. Submit any schedule adjustment requests related to lactation breaks as early as possible.

#### **5.3.2 Employer Responsibilities**

1. Provide the required space and breaks consistent with state and federal law.
2. Ensure no employee is retaliated against for requesting or using lactation accommodations.
3. Maintain the privacy of nursing employees during lactation breaks.

### **Section 5.4 Undue Hardship**

If providing accommodations as described above would impose an undue hardship (i.e., significant difficulty or expense), the Town of Londonderry may seek to provide alternative accommodations that meet the employee's needs to the extent possible. Any denial will be made in writing with justification and in accordance with applicable law.

### **Section 5.5 Retaliation Prohibited**

Employees will not be discriminated or retaliated against for exercising rights under this policy. Concerns about noncompliance may be reported to Human Resources or to the New Hampshire Department of Labor or the U.S. Department of Labor.

### Section 6.0: References

1. **Fair Labor Standards Act (FLSA), Section 7(r)** – U.S. Department of Labor requirements for break time for nursing mothers.  
Link: <https://www.dol.gov/agencies/whd/nursing-mothers>
2. **PUMP for Nursing Mothers Act (PUMP Act)** – 2022 amendment to the FLSA expanding rights to break time and space for expressing milk to more employees.  
Link: <https://www.dol.gov/agencies/whd/pump-at-work>
3. **New Hampshire RSA 275:82–87** – “Lactation Rights in the Workplace” statute requiring private space and reasonable accommodations for nursing employees in New Hampshire.  
Link: <https://www.gencourt.state.nh.us/rsa/html/xxiii/275/275-82.htm>
4. **U.S. Equal Employment Opportunity Commission (EEOC)** – Guidance on protections for nursing employees under Title VII (as amended by the Pregnancy Discrimination Act) and the Americans with Disabilities Act (ADA).  
Link: <https://www.eeoc.gov/laws/guidance>
5. **New Hampshire Department of Labor** – Workplace compliance resources and complaint procedures related to labor laws, including lactation accommodations.  
Link: <https://www.nh.gov/labor/>

### Section 7.0: Policy & Procedure Revision History

Original Adoption Date: July 28, 2025		
Section	Description of Revision	Date