

Senate File 2112 - Introduced

SENATE FILE 2112
BY JOCHUM

A BILL FOR

1 An Act relating to workplace accommodations for employees who
2 express breast milk.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 91F.1 Short title.

2 This chapter shall be known and may be cited as the "*Family*
3 *Friendly Workplace Act*".

4 Sec. 2. NEW SECTION. 91F.2 Definitions.

5 1. "*Employer*" means a person engaged in a business who has
6 one or more employees and also includes the state of Iowa, a
7 department or agency thereof, and any political subdivision of
8 the state.

9 2. "*Reasonable efforts*" means any effort that would not
10 impose an undue hardship on the operation of the employer's
11 business.

12 3. "*Undue hardship*" means any action that requires
13 significant difficulty or expense when considered in relation
14 to factors such as the size of the business, the financial
15 resources of the business, or the nature and the structure of
16 its operation.

17 Sec. 3. NEW SECTION. 91F.3 Right to express breast milk in
18 workplace — private location.

19 1. An employer shall provide reasonable unpaid break time or
20 permit an employee to use paid break time, meal time, or both,
21 each day, to allow the employee to express breast milk for the
22 employee's nursing child for up to two years after the child's
23 birth.

24 2. The employer shall make reasonable efforts to provide a
25 place, other than a toilet stall, which is shielded from view
26 and free from intrusion from coworkers and the public, that may
27 be used by an employee to express breast milk in privacy.

28 3. An employer who makes reasonable efforts to accommodate
29 an employee who chooses to express breast milk in the workplace
30 shall be deemed to be in compliance with the requirements of
31 this section.

32 4. The department of workforce development shall provide on
33 its internet site information and links to other internet sites
34 where employers can access information regarding methods to
35 accommodate employees who express breast milk in the workplace.

1 The department shall consult with appropriate organizations
2 or associations to determine the appropriate information and
3 internet site links so as to provide employers with the most
4 accurate and useful information available.

5 5. Before an employee may initiate litigation for a
6 violation of this section, there shall be mediation between
7 the employer and employee pursuant to chapter 679C unless the
8 issue is outside the scope of that chapter pursuant to section
9 679C.103.

10 Sec. 4. Section 91.5, Code 2009, is amended to read as
11 follows:

12 **91.5 Other duties — jurisdiction in general.**

13 The commissioner shall have jurisdiction and it shall be the
14 commissioner's duty to supervise the enforcement of:

15 1. All laws relating to safety appliances and inspection
16 thereof and health conditions in manufacturing and mercantile
17 establishments, workshops, machine shops, other industrial
18 concerns within the commissioner's jurisdiction and sanitation
19 and shelter for railway employees.

20 2. All laws of the state relating to child labor.

21 3. All laws relating to employment agencies.

22 4. All laws relating to expressing breast milk in the
23 workplace.

24 ~~4.~~ 5. Such other provisions of law as are now or shall
25 hereafter be within the commissioner's jurisdiction.

26 EXPLANATION

27 This bill concerns the accommodation in the workplace of
28 employees who express breast milk.

29 The bill requires that an employer provide an employee
30 who expresses breast milk reasonable time each day, paid or
31 unpaid, to express breast milk for up to two years after the
32 birth of the employee's child. The employer is also required
33 to make reasonable efforts to provide a private place other
34 than a toilet stall for the employee to express breast milk.
35 "Reasonable efforts" is defined in the bill.

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1 The department of workforce development is required to
2 provide on its internet site information and other internet
3 site links that give employers access to information about
4 methods of accommodating employees who express breast milk at
5 work.

6 The bill states that before an employee can litigate an
7 employer's alleged violation of the bill, the employee and
8 employer are required to participate in mediation pursuant to
9 Code chapter 679C.