



**Committee:** Joint  
**Committee Review:** At a future date  
**Staff:** Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** To receive testimony – no vote expected  
**Keywords:** #righttonurish

AGENDA ITEM #3  
July 12, 2022  
**Public Hearing**

## SUBJECT

Bill 11-22, Buildings – Lactation Rooms in County Buildings – Required

Lead Sponsor: Councilmember Friedson

Co-Sponsors: Councilmembers Hucker, Albornoz, Katz, Navarro, Glass, Riemer, and Jawando

## EXPECTED ATTENDEES

Members of the Public

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to receive testimony

## DESCRIPTION/ISSUE

Bill 11-22 would:

- (1) require County buildings to include a lactation room for County employees or provide alternative accommodations;
- (2) require employees to receive break time for lactation needs;
- (3) require the County Executive to establish personnel regulations for certain accommodations;
- (4) require certain educational materials posted on the County's website; and
- (5) generally, amend the law regarding buildings and personnel regulations.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

### **This report contains:**

Staff Report	Pages 1-4
Bill 11-22	© 1
LRR	© 5
Councilmember Friedson's Memo	© 7
Fiscal Impact Statement	© 9
Economic Impact Statement	© 11

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**MEMORANDUM**

July 7, 2022

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 11-22, Buildings - Lactation Rooms in County Buildings – Required

PURPOSE: Public Hearing – no Council votes required

Bill 11-22, Buildings - Lactation Rooms in County Buildings – Required sponsored by Lead Sponsor Councilmember Friedson, and Co-sponsors Councilmembers Hucker, Albornoz, Katz, Navarro, Glass, Riemer, and Jawando, was introduced on June 14, 2022. A Government Operations and Fiscal Policy and Health and Human Services joint committee worksession is tentatively scheduled for July 14, 2022, at 1:30 p.m.<sup>1</sup>

Bill 11-22 would:

- (1) require County buildings to include a lactation room for County employees or provide alternative accommodations;
- (2) require employees to receive break time for lactation needs;
- (3) require the County Executive to establish personnel regulations for certain accommodations;
- (4) require certain educational materials posted on the County’s website; and
- (5) generally, amend the law regarding buildings and personnel regulations.

**PURPOSE**

The purpose of Bill 11-22 is to promote public health, reduce health disparities, and support County employees who wish to express breast milk at work by requiring designated lactation rooms in certain County buildings, and providing employees with reasonable break time for lactation. A memorandum from the lead sponsor is on page ©7.

**BACKGROUND**

*Federal Law*

The Patient Protection and Affordable Care Act (known as the “Affordable Care Act” (ACA)) enacted in 2010, requires employers to provide a *space* that is not a bathroom for

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<sup>1</sup> #righttonurish

employees to express breast milk. The space must be completely private so that no one can see inside, and no one is able to enter the space while it is being used. It also must be functional, and usable as a space for expressing breast milk. *See* 29 U.S.C. 207(r).

Employers are not required to create a permanent dedicated space for breastfeeding employees. In many workplaces, there is no unused space. In that case, the employer could instead provide access to a temporary space normally used for other things (like a meeting room or storage area). If the space is available each time the employee needs it, the employer is satisfying the requirements of federal law. If there are no breastfeeding employees, the employer does not need to maintain a space.<sup>2</sup>

The ACA also amended the Fair Labor Standards Act (FLSA) to require employers to provide reasonable break time for an employee to express breast milk for a nursing child up to one year after the child's birth. *Id.*

Federal law does not preempt state laws from creating a permanent<sup>3</sup>, dedicated space for lactation or providing greater protections for employees by expanding the reasonable break time beyond one year after a child's birth.

### *State Law*

Maryland passed House Bill 306 in 2018, a state version that mirrors the federal law, where state employees are provided reasonable break time and a place to express breast milk. Section § 2-130 of Maryland State Personnel and Pension Code, states:

- (a) In general.** — The State, through its appropriate officers and employees, shall provide:
- (1)** a reasonable break time for an employee to express breast milk for her nursing child after the child's birth each time the employee needs to express the milk; and
  - (2)** on notice, a place, other than a bathroom, that is shielded from view and free from coworkers and the public and that may be used by an employee to express breast milk.
- (b) Compensation.** — The State may not be required to compensate an employee receiving reasonable break time under subsection (a)(1) of this section for any time spent expressing breast milk at work.

State law does not preempt local jurisdictions the authority to implement greater protections by requiring lactation accommodations for breastfeeding employees.

### *Lactation Rooms in County Buildings*

The County's Office of Human Resources (OHR), in collaboration with the Department of General Services (DGS), provides guidance for County Departments to comply with FLSA, including allocating or repurposing space in a County building for employees who return to work after a birth of a child and need a lactation room. While the County has some buildings that may

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<sup>2</sup> U.S. Department of Labor [Fact Sheet](#) and the Frequently Asked Questions.

<sup>3</sup> Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)(4)).

include a designated lactation room for some departments, other departments, may comply with federal law and solely provide a temporary, functional space.

### **BILL DESCRIPTION**

Bill 11-22 would extend protections for nursing mothers in the workplace by requiring a permanent, dedicated room for County employees who are breastfeeding in certain County buildings.

Specifically, it would require County buildings, whether existing or newly constructed, to include at least one lactation room for County employees to express breast milk. A lactation room means a designated sanitary room, other than a bathroom, made available for expressing breast milk, that is shielded from view; free from public or coworker intrusion; displays appropriate signage, and contains the following:

1. a chair;
2. a flat surface to place a breast pump;
3. a sink with running water;
4. a small refrigerator;
5. a microwave;
6. at least one or more electrical outlets; and
7. any other related supplies as provided in regulations.

While some County buildings already have an existing lactation room, this bill would provide for consistency, throughout *all* County buildings, if feasible. Further, if the Director of Department of General Services determines that a room in a County building is unable to be repurposed as a lactation room, the Director must consider alternative accommodations. Alternative accommodations include creating a space for a lactation pod or station that is mobile, private, and functional for the employee.

Further, an employee must be given reasonable break time to express breast milk. The breaktime must align with existing lunch or other regular breaks. This is similar to federal and state law, but it provides greater protection because federal law allows break time to occur for up to a year after the birth of a child, while Bill 11-22 imposes no specific time period.

The bill would also require the Executive to develop personnel regulations to adopt a lactation accommodation policy.

*See lines 52-66, as follows:*

- (a) The policy, at a minimum, must contain guidelines regarding:

- (1) the process to request the use of a lactation room, as provided under Section 8-14C(b);
  - (2) the process to request break time under Section 33-27;
  - (3) the availability of the lactation room; and
  - (4) best practices for maintenance of room, including recommended general cleaning of milk expression areas and storage of breast milk in the designated refrigerator.
- (b) Outreach and Education. The Director of the Office of Human Resources must provide, or cause to be provided, on its website informational materials related to prenatal and postpartum breastfeeding for County employees.

This packet contains:

Bill 11-22  
 Legislative Request Report  
 Councilmember Friedson's Memo  
 Fiscal Impact Statement  
 Economic Impact Statement

Circle #

©1  
 ©5  
 ©7  
 ©9  
 ©12

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Bill No. 11-22  
Concerning: Buildings – Lactation Rooms  
in County Buildings - Required  
Revised: 5/23/2022 Draft No. 2  
Introduced: June 14, 2022  
Expires: December 13, 2023  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Friedson  
Co-Sponsors: Councilmembers Hucker, Albornoz, Katz, Navarro, Glass, Riemer, and Jawando

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**AN ACT** to:

- (1) require County buildings to include a lactation room for County employees or provide alternative accommodations;
- (2) require employees to receive break time for lactation needs;
- (3) require the County Executive to establish personnel regulations for certain accommodations;
- (4) require certain educational materials posted on the County’s website; and
- (5) generally amend the law regarding buildings and personnel regulations.

By amending

Montgomery County Code  
Chapter 8, Buildings  
Section 8-14C

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-27 and 33-28

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec 1. Sections 8-14C, 33-27, and 33-28 are amended as follows:**

2   **8-14C. [Reserved] Lactation Rooms in County Buildings.**

3           (a) Definitions. In this Section, the following terms have the meanings  
 4           indicated.

5           County building means a building, whether existing or newly constructed,  
 6           that is owned or leased by the County where County employees work.

7           County employee has the meaning stated in Section 33-6.

8           Department means the Department of General Services.

9           Director means the Director of General Services or the Director’s  
 10           designee.

11           Lactation room means a designated sanitary room, other than a bathroom,  
 12           made available for expressing breast milk, that:

- 13           (1) is shielded from view;
- 14           (2) is free from public or coworker intrusion;
- 15           (3) displays appropriate signage that indicates “lactation room” or  
 16           “nursing room;” and
- 17           (4) contains the following:
  - 18           (A) a chair;
  - 19           (B) a flat surface to place a breast pump;
  - 20           (C) a sink with running water;
  - 21           (D) a small refrigerator;
  - 22           (E) a microwave;
  - 23           (F) at least one or more electrical outlets; and
  - 24           (G) any other related supplies as provided in regulations.

25           (b) Lactation room - required. Except as provided in subsection (c) or (d),  
 26           the Department must provide at least one lactation room in each County

27 building that is available for use by any County employee to express  
 28 breast milk.

29 (c) Alternative Accommodation. If the Director determines that a County  
 30 building does not have a room that could be repurposed as a lactation  
 31 room, at a reasonable cost, the Department must consider alternative  
 32 accommodations. Alternative accommodation includes installing or  
 33 creating a space for a portable lactation room or station.

34 (1) The Executive may enter into a memorandum of understanding  
 35 between the Department and an owner that offers, for sale or lease,  
 36 a portable lactation room or station to meet the requirement for  
 37 subsection (c).

38 (d) Exceptions. A County building may be excluded from the requirement  
 39 under subsection (b), if the building:

- 40 (1) is solely a warehouse;
- 41 (2) is primarily used for archives; or
- 42 (3) would require new construction to create a room and the cost of  
 43 such construction is unfeasible.

44 (e) Regulations. The Director may promulgate Method (2) regulations to  
 45 implement the requirements of this Section.

46 **33-27. [Reserved] Break Time for Lactation.**

47 (a) An employee must be provided with reasonable break time during the  
 48 workday to accommodate the need for lactation.

49 (b) The break time must run concurrently with any lunch or normal break  
 50 already provided to the employee unless an alternative schedule has been  
 51 approved by the employee's supervisor.

52 **33-28. [Reserved] Lactation Accommodation Policy.**

53           (a) Personnel regulations. The County Executive must adopt personnel  
 54           regulations under Method (1) to establish a lactation accommodation  
 55           policy. The policy, at a minimum, must contain guidelines regarding:

56           (1) the process to request the use of a lactation room, as provided  
 57           under Section 8-14C(b);

58           (2) the process to request break time under Section 33-27;

59           (3) the availability of the lactation room; and

60           (4) best practices for maintenance of room, including recommended  
 61           general cleaning of milk expression areas and storage of breast  
 62           milk in the designated refrigerator.

63           (b) Outreach and Education. The Director of the Office of Human Resources  
 64           must provide, or cause to be provided, on its website informational  
 65           materials related to prenatal and postpartum breastfeeding for County  
 66           employees.

67           **Sec. 2. Implementation.** The County Executive must issue any policy and  
 68           regulations required under this Act, and make available the required lactation rooms,  
 69           within 6 months after the effective date of this Act.

## LEGISLATIVE REQUEST REPORT

Bill 11-22

*Bill 11-22, Buildings – Lactation Rooms in County Buildings – Required*

<b>DESCRIPTION:</b>	Bill 11-22 would: <ol style="list-style-type: none"><li>(1) require County buildings to include a lactation room for County employees or provide alternative accommodations;</li><li>(2) require employees to receive break time for lactation needs;</li><li>(3) require the County Executive to establish personnel regulations for certain accommodations;</li><li>(4) require certain educational materials posted on the County’s website; and</li><li>(5) generally, amend the law regarding buildings and personnel regulations.</li></ol>
<b>PROBLEM:</b>	Employers are not required to create a permanent dedicated space for breastfeeding employees. Federal law requires an employer to instead provide access to a temporary space, other than a bathroom, but that space may have other uses, including for meetings, utility, storage, etc. The space may not provide the essentials needed for a nursing employee. The limited access to accommodation may raise health disparities and discourage County employees to continue breastfeeding in the workplace after a birth of a child.
<b>GOALS AND OBJECTIVES:</b>	The purpose of Bill 11-22 is to promote public health, reduce health disparities, and support County employees who wish to express breast milk at work by requiring designated lactation rooms in certain County buildings, and providing employees with reasonable break time for lactation.
<b>COORDINATION:</b>	Department of General Services and Office of Human Resources
<b>FISCAL IMPACT:</b>	To be provided by OMB
<b>ECONOMIC IMPACT:</b>	To be provided by OLO
<b>RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:</b>	To be provided by OLO
<b>EVALUATION:</b>	To be done.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.

**SOURCE OF INFORMATION:**

Ludeen McCartney-Green, Legislative Attorney

**APPLICATION WITHIN MUNICIPALITIES:**

N/A

**PENALTIES:**

N/A



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

ANDREW FRIEDSON  
COUNCILMEMBER  
DISTRICT 1

MEMORANDUM

TO: Montgomery County Councilmembers  
FROM: Andrew Friedson *AF*  
SUBJECT: **Supporting Working Parents in the County Government Workforce**  
DATE: May 31, 2022

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On June 14, 2022, I will introduce two bills to benefit working parents in the County Government workforce. I believe that the County government, as an employer of almost 10,000, must lead by the power of its example. We must model an environment that acknowledges, values, and uplifts women, parents, and families.

The first bill, *The Paid Parental Leave Act*, will provide for six weeks of paid parental leave for County employees and the second, *The Right to Nourish Act*, for lactation room(s) in County buildings. I would appreciate your co-sponsorship.

Historically, women in the workforce have been overburdened and under supported. COVID-19 has only exacerbated existing challenges. Women need our backing to productively engage in the workforce and their homes, perhaps now more than ever.

A significant body of literature supports the implementation of paid parental leave and lactation rooms in the workplace. The two are inextricably linked and produce noteworthy outcomes. Paid parental leave improves maternal mental and physical health, supports fathers' involvement in care, and enhances families' economic security. Research also shows that paid parental leave reduces infant mortality perhaps partially due to adherence to recommended medical checkup and vaccinations schedules. The greatest impact appears to be on mothers who could not otherwise afford to take time off.

Furthermore, paid parental leave contributes to healthy infant development vis a vis increased initiation and duration of breastfeeding. Breastfed infants have reduced risk of developing type 2 diabetes, obesity, asthma, infections, and sudden infant death syndrome, and lowers a mother's risk of heart disease, type 2 diabetes, ovarian cancer, and breast cancer. Sadly, a return to work often marks the end of breastfeeding because mothers cannot maintain their milk supply. This doesn't have to be the case. The CDC reports that in 2018 – 2019 Montgomery County had the highest rate of breastfeeding initiation (96.3%) in the State. With adequate facilities to support their efforts, mothers won't be forced to choose between returning to work and continuing to breastfeed.

We also know that race-based differences in breastfeeding exacerbate health disparities and other related inequities. For instance, in the US 64% of Black mothers initiate and 14% breastfeed exclusively at six months, compared to 82% and 23% among White mothers. Many factors play into these persistent disparities including issues related to work and labor conditions. The CDC and national public health

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MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

ANDREW FRIEDSON  
COUNCILMEMBER  
DISTRICT 1

partners recommend providing support for breastfeeding in the workplace to reduce disparities in breastfeeding.

While it is morally just to support women, parents, and caregivers in the workplace, Montgomery County Government will also reap the rewards of this public policy. Paid parental leave has been shown to increase retention and productivity and boost labor force participation. Breastfeeding is linked to decrease direct and indirect insurance claim costs and missed days from work due to caring for a sick infant. This legislation represents a win-win for all involved.

Please do not hesitate to reach out to me or [Mary Gies](#) on my staff with any questions. We look forward to receiving your support.

**Fiscal Impact Statement**  
**Bill 11-22**  
**Buildings – Lactation Rooms in County Buildings – Required**

**1. Legislative Summary.**

The Legislation requires County buildings to include a permanent lactation room for County employees or provide alternative accommodations if a permanent lactation room cannot be provided at a reasonable cost. County buildings may be excluded if the building is a warehouse, is primarily used for archives, or would require new construction to create a room and the cost of such construction is unfeasible. Lactation rooms as required under the bill must be provided within six months after the effective date of this Act. The Legislation also requires that employees be provided reasonable workday breaktime to accommodate lactation, the establishment of a lactation accommodation policy, and web-based information on breastfeeding for County employees.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

FY23 County Expenditures increase by \$9,760,000 to support one-time and ongoing costs associated with the retrofit of lactation rooms as required under the Bill, with running water provided in all non-portable lactation spaces, as shown below. If running water is not provided, FY23 County Expenditures increase by \$3,510,000.

Estimates assume that of the County's over 400 facilities, County employees operate out of 300 facilities, which would therefore be impacted by the Bill. Of these, 100 facilities are assumed to require the use of a portable lactation room due to the absence of space or because the construction of new space is infeasible, at an estimated cost of \$3,000,000. In addition, 200 facilities are assumed to have existing space that could be retrofit. Of these, 30 facilities are assumed to have space close to existing plumbing that could be retrofit, and 170 facilities are assumed not to have space next to adjacent plumbing and require additional plumbing work. These cost estimates range between \$360,000 and \$6,610,000 depending on whether running water is assumed.

Finally, staff time is required to survey over 400 County facilities to identify facilities that are impacted by the Bill and the modifications needed to satisfy the Bill's requirements at an estimated cost of \$150,000.

		Retrofit with Plumbing		Retrofit without Plumbing	
		Number of Units	Total	Number of Units	Total w/o plumbing
<b>Retrofit of Existing Space</b>					
<b>Adjacent to Available Plumbing</b>					
Chair, small refrig, microwave, flat surface	\$ 1,800				
Electrical Outlet	\$ -				
Sink/plumbing @ \$500/ft - avg 20 ft	\$ 10,000				
<b>TOTAL</b>	<b>\$ 11,800</b>	<b>30</b>	<b>\$ 354,000</b>	<b>200</b>	<b>\$ 360,000</b>
<b>Retrofit of Existing Space</b>					
<b>No Adjacent Available Plumbing</b>					
Chair, small refrig, microwave, flat surface	\$ 1,800				
Electrical Outlet	\$ -				
Sink/plumbing	\$ 35,000				
<b>TOTAL</b>	<b>\$ 36,800</b>	<b>170</b>	<b>\$ 6,256,000</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Portable Lactation Room*</b>					
Purchase of Pod	\$ 25,000				
Installation/Other	\$ 5,000				
<b>TOTAL</b>	<b>\$ 30,000</b>	<b>100</b>	<b>\$ 3,000,000</b>	<b>100</b>	<b>\$ 3,000,000</b>
<i>* Portables do not include plumbing</i>					
<b>Total All Buildings</b>		<b>300</b>	<b>\$ 9,610,000</b>	<b>300</b>	<b>\$ 3,360,000</b>
Contract or Staff Costs for Survey			\$ 150,000		\$ 150,000
<b>TOTAL - Building and Personnel Cost</b>			<b>\$ 9,760,000</b>		<b>\$ 3,510,000</b>

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

The proposed Legislation is estimated to total \$9,760,000 over the six-year period if running water is provided in all non-portable lactation spaces. If running water is not provided, the estimated six-year expenditure totals \$3,510,000. Because the Bill requires that lactation rooms be made available within six months after the effective date of the Act, all expenditures occur in FY23. There is no anticipated impact on revenues.

	FY23	FY24	FY25	FY26	FY27	FY28	Six-Year Total
Scenario 1: Running Water In All Non-Portable Lactation Spaces	9,760,000	-	-	-	-	-	9,760,000
Scenario 2: Without Running Water	3,510,000	-	-	-	-	-	3,510,000

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not applicable.

**5. An estimate of expenditures related to County’s information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**

Online information provided for County employees on breastfeeding on the County’s website is expected to be accommodated within existing resources. There are no other anticipated impacts to information technology systems.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

This Bill does not authorize future spending.

**7. An estimate of the staff time needed to implement the bill.**

Staff time (merit or contract) will be needed to survey over 400 County facilities to determine which facilities are impacted by the Bill and the scope of modifications required to satisfy the Bill's requirements at an estimated cost of \$150,000. In addition, staff time will be required to support the retrofit of existing space including planning, design, and supervision of the project. This staff time is assumed to be absorbed within existing resources.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

See answer to Question 7.

**9. An estimate of costs when an additional appropriation is needed.**

FY23 Expenditures increase between \$3,510,000 and \$9,760,000 depending on whether running water is assumed to be provided in all non-portable lactation spaces.

**10. A description of any variable that could affect revenue and cost estimates.**

Actual costs will vary greatly depending on how many County facilities require retrofit, the number of facilities with existing space adjacent to available plumbing, and the threshold used to determine whether it is cost-effective to provide running water.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

See answer to Question 10.

**12. If a bill is likely to have no fiscal impact, why that is the case.**

Not applicable.

**13. Other fiscal impacts or comments.**

Not applicable.

**14. The following contributed to and concurred with this analysis:**

Angela Dizelos, Department of General Services  
Gregory Boykin, Department of General Services  
Hamid Omidvar, Department of General Services  
Jamie Cooke, Department of General Services  
Rachel Silberman, Office of Management and Budget

  
\_\_\_\_\_  
Jennifer R. Bryant, Director  
Office of Management and Budget

7-1-22  
Date

# Economic Impact Statement

Office of Legislative Oversight

## Bill 11-22      Buildings – Lactation Rooms in County Buildings – Required

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 11-22 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

### BACKGROUND

#### *Bill Description*

The goals of Bill 11-22 are to “promote public health, reduce health disparities, and support County employees who wish to express breast milk at work by requiring designated lactation rooms in certain County buildings, and providing employees with reasonable break time for lactation.”<sup>1</sup> The Bill would attempt to achieve these goals by requiring the following:

- County buildings to have a lactation room for employees or provide alternative accommodations;
- break time for employees with lactation needs;
- the County Executive to institute personnel regulations for certain accommodations; and
- certain educational materials to be posted on the County’s website.<sup>2</sup>

If enacted, the County Executive would be required to issue any requisite policy and regulations and make available the lactation rooms within six months after the effective date of this Act.<sup>3</sup>

#### *Primary Economic Stakeholders*

As described below, it is possible that creating formal lactation rooms in County buildings and designated break times for breastfeeding may economically affect certain County employees. Thus, the primary economic stakeholders of Bill 11-22 would be **certain County employees who reside in the County and, at some point, will have workplace lactation needs.** Of the 10,379 County employees, 5,654 (54 percent) reside in the County.<sup>4</sup> Residents employed with the County make up approximately 1 percent of the County’s labor force—551,326 as of April 2022.<sup>5</sup> While OLO does not know the average

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<sup>1</sup> Legislative Request Report, Bill 11-22; McCartney-Green to County Council, Memorandum, June 9, 2022.

<sup>2</sup> Bill 11-22.

<sup>3</sup> Ibid.

<sup>4</sup> Data on Montgomery County Employees, Office of Human Resources, Montgomery County, May 2022.

<sup>5</sup> U.S. Bureau of Labor Statistics, [Local Area Unemployment Statistics, Montgomery County, MD](#).

# Economic Impact Statement

## Office of Legislative Oversight

annual total of resident County employees with lactation needs, they would make up less than 1 percent of the County's labor force. (Note the Bill's potential economic impacts on non-resident County employees fall outside the purview of this Economic Impact Statements.)

## INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess Bill 11-22's impacts on County-based private organizations and residents in terms of the Council's priority economic indicators.<sup>6</sup> There is some evidence that workplace policies and practices to support breastfeeding have positive impacts for affected employees. In its review of the evidence on workplace supports for breastfeeding, the University of Wisconsin Population Health Institute found,

"Women with access to workplace supports such as a space for lactation, breastfeeding breaks, and comprehensive lactation support programs have higher job satisfaction and job commitment than women without these supports. Workplace support programs may also reduce absenteeism, and increase productivity, morale, and retention."<sup>7</sup>

The evidence suggests the current lack of *formal* lactation rooms in County buildings and break times for breastfeeding may cause certain residents employed with the County to take unpaid leave or resign.<sup>8</sup> If so, they may experience net decreases in household income. Thus, by establishing lactation rooms and break times for breastfeeding, the Bill may reduce a portion of potential household income losses for residents employed with the County.

However, OLO does not anticipate that the magnitude of these potential impacts would be large enough to significantly affect economic conditions in the County. As stated above, the Bill would economically affect less than 1 percent of the County's labor force. Therefore, OLO concludes that while Bill 11-22 may economically benefit certain residents, its overall impact on economic conditions in the County would be insignificant.

## VARIABLES

Not applicable

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<sup>6</sup> Montgomery County Code, [Sec. 2-81B](#).

<sup>7</sup> County Health Rankings & Roadmaps, [Workplace Supports for Breastfeeding](#).

<sup>8</sup> It is worth noting certain employees with lactation needs may be provided with informal spaces and time for breastfeeding.

# Economic Impact Statement

Office of Legislative Oversight

## IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

### Businesses, Non-Profits, Other Private Organizations

Not applicable

### Residents

Not applicable

## DISCUSSION ITEMS

Not applicable

## WORKS CITED

County Health Rankings & Roadmaps. [Workplace Supports for Breastfeeding](#). The University of Wisconsin Population Health Institute.

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements](#).

Montgomery County Council. [Bill 11-22, Buildings – Lactation Rooms in County Buildings – Required](#). Introduced on June 14, 2022.

McCartney-Green, Ludeen to County Council. [Memorandum](#). Bill 11-22, Buildings – Lactation Rooms in County Buildings – Required. June 14, 2022.

## CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

## CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.