

In compliance with recent changes in the Fair Labor Standards Act (FLSA), the following guidelines are being offered to support the health and well-being of employees and their infant children by providing nursing mothers with private, safe and accessible locations to express milk for their infants. Employees and supervisors should work cooperatively to create an environment that supports the working mother's decision to breastfeed and prohibits discrimination and harassment of those who exercise their rights.

A provision of the Patient Protection and Affordable Care Act (an amendment to the Fair Labor Standards Act) allows nursing mothers for up to one year after the child's birth to take breaks to pump breast milk. At a minimum, an employer is now required to provide nursing mothers:

- a) a reasonable amount of break time to express milk for one year following the child's birth; and
- b) a location other than a bathroom that is shielded from view and free from intrusion from coworkers and the public, where the employee may express breast milk.

■ An employee who wishes to avail herself of this benefit is expected to give her department reasonable notice (preferably, the nursing mother provides notice prior to returning to work) so that a schedule can be arranged and a location identified.

■ If an employee is regularly given paid breaks, then an employee may use the paid break time to express milk. An employee may also use unpaid meal time or unpaid break time to express milk. Break times will be made available each day to permit non-exempt (hourly paid) nursing mothers to express breast milk for up to one year following the birth of a child. Any unpaid break time used by an hourly employee will be reflected on the employee's time sheet.

■ Exempt (salaried) employees are expected to manage necessary breaks to express milk during the course of their day.

■ Employees are not allowed to work while expressing milk.

- The location may be the employee's office, an empty or unused office or conference room, so long as there is an electrical outlet, chair with arms, and a table. If there is a window in the room, it should be covered. It is preferable that there be a lock on the door.

If a lactation area, as identified above, is not available in close proximity to the employee's work area, the employee's dean, director, or department head should assist the supervisor in identifying and providing a private location for the employee to express milk within close proximity to the work area.

- Employees are not entitled to absent themselves from their work stations for this purpose without prior approval. Employees can be required to postpone a scheduled time to express milk for a brief period of time if they cannot be spared. Time required to express breast milk includes the time required for the nursing mother to reach and return from the location identified by the supervisor for expressing milk.