

WINTHROP UNIVERSITY

Break Time for Nursing Mothers

(FLSA Requirement)

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The Patient Protection and Affordable Care Act (PPACA), signed into law in 2010, amended Section 7 of the Fair Labor Standards Act (FLSA) and requires covered employers to provide breaks to nursing mothers.

General Requirements

- Winthrop University must provide “reasonable break time for nursing mothers” to express breast milk for her nursing child for up to one (1) year after the child’s birth.
- The University must provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by a nonexempt employee to express breast milk.”

Coverage and Compensation

- Only nonexempt employees are entitled to breaks to express milk.
- The University is not required to compensate for breaks taken to express breast milk; however, if a nonexempt employee generally receives a paid break and uses that time to express breast milk, the nonexempt employee must be compensated in the same manner as other nonexempt employees are for the break time.
- Nonexempt employees may also use leave without pay or annual leave for breaks to express milk.
- Nonexempt employees must be completely relieved from duty to express breast milk if the break is not compensated.

Time and Location of Breaks

- A bathroom is not a permissible location for expressing breast milk according to the law. The space may be a temporary or converted space and only needs to be available when the nursing mother needs it. The space must be shielded from intrusions by other co-workers and the general public, and should include a chair, an electrical outlet for breast pumps, and a door lock.
- Nonexempt employees should discuss with their supervisor the frequency of breaks necessary and how much time is needed for each break. All reasonable requests may not be refused.
- Nonexempt employees may work, in collaboration with their supervisor, to determine a suitable area in their departments that may be utilized to express breast milk; or nonexempt employees may use the Lactation Room that is available in the Dacus Library.

Other

- Supervisors may not retaliate against nonexempt employees who request lactation breaks.
- Please address questions to the Office of Human Resources at (803) 323-2273, or via email at hrhelp@winthrop.edu.