The Patient Protection and Affordable Care Act (PPACA) was signed into law by President Obama and amended Section 7 of the Fair Labor Standards Act (FLSA). The Act requires covered employers to provide lactation breaks to certain employees.

General Requirements
- Winthrop University must provide “reasonable break time for nursing mothers” to express breast milk 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 an employee to express breast milk.”

Coverage and Compensation
- The Act is only applicable to non-exempt employees, who are eligible to earn overtime or compensatory time.
- The University is not required to compensate for breaks taken to express breast milk; however, if an employee generally receives a paid break and uses that time to express breast milk, the employee must be compensated in the same manner as other employees are for the break time.
- 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 under the Act. 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.
- 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.
- 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 employees may use the Lactation Room that is available in the Dacus Library.

Other
- Supervisors may not retaliate against employees who request lactation breaks. These breaks may be unpaid for non-exempt employees, and would not require use of sick or annual leave. The employee would be in a leave without pay status during the breaks.
- Please address questions to the Office of Human Resources at (803) 323-2273, or via email at hrhelp@winthrop.edu.
• This fact sheet is subject to change once additional guidelines are provided by the Department of Labor (DOL).