



# Unified Government Human Resources Guide

Effective 06-27-23

## BREAK TIME FOR NURSING MOTHERS

### I. General

In accordance with the Providing Urgent Maternal Protections (PUMP) Act and provisions of the Fair Labor Standards Act, the Unified Government will provide reasonable break time and a shielded location, which shall not include a bathroom, for an employee to express breast milk, each time she needs to, for her nursing child for up to 1 year after the child's birth.

### II. Reasonable Break Time

- A. The Unified Government will provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk, as well as the duration of each break, will likely vary.
- B. The employee shall meet with her supervisor in advance to make arrangements for the times and location of breaks.
- C. Supervisors and/or Department head will consult with Human Resources to ensure reasonable break time is granted.

### III. Lactation Space

- A. Each department will make available a location that is functional as a space for expressing breast milk, as needed. A bathroom, even if private, is not a permissible location for expressing milk. The space must be shielded from view and free from any intrusion from co-workers and the public. If the space is not dedicated to the nursing mother's use, it must be available when needed. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that it meets the above requirements.
- B. The supervisor and/or Department head will work with Human Resources to ensure that an adequate lactation space has been identified.

### IV. Coverage and Compensation

- A. This policy applies to both non-exempt and exempt employees.
- B. For non-exempt employees, break time allowed under this policy will be uncompensated, except that employees may use their regular, paid breaks to express milk. Non-exempt

employees who elect to use their regular, paid breaks may take their breaks as needed during the workday to express milk and will be afforded a location meeting the requirements of subsection III(A) of this policy. Non-exempt employees may choose to use compensatory time or vacation leave in lieu of uncompensated break time to express milk.

- C. Exempt employee we be paid their full weekly salary regardless of whether they take breaks to express milk.
- D. Departments must ensure that employees are fully relieved of duties when expressing milk. In the event it is unavoidable that an employee works while expressing milk for any particular break, a non-exempt employee must be compensated for time worked while expressing milk.

V. Employees Rights and Responsibilities

- A. Qualified employees with rights under this policy and the Providing Urgent Maternal Protection (PUMP) act will be provided adequate break time and lactation space for the purpose of expressing milk.
- B.
- C. Individuals who believe that they have not been accommodated should follow the procedure set forth in 2.2 Harassment in the Workplace. Under the PUMP Act, the Unified Government has ten days from the date it receives notice from the employee to rectify any failure to accommodate.

Related Policies:   2.8 Hours of Operation  
                          5.6 Family and Medical Leave Act  
                          2.2 Harassment in the Workplace

Related Form(s):   Request for Lactation Space and Break Time