



Lactation Accommodation *Guidelines*

Purpose: The federal Fair Labor Standards Act (FLSA) requires employers to provide nursing mothers “reasonable break time” to express breast milk for up to one year after the birth of their child. The School Board and the Superintendent recognize their legal responsibility to provide working conditions that comply with the nursing mothers amendment to the FLSA.

1. Definitions:

- A. “Nursing mother”: A Orange County Public Schools female employee who is nursing her child for up to one year after the birth of the child.
- B. “Reasonable break time”: An uncompensated break of up to but not more than 20 minutes.

2. Responsibilities: Recognizing that breast milk promotes optimum growth and development of infants, and because breastfeeding has been shown to be the superior form of infant nutrition, providing a multitude of health benefits to both infants and mother, and because breastfeeding employees need ongoing support at the worksite, Orange County Public Schools subscribes to the following guidelines. The worksite Administrator is responsible for ensuring compliance with these guidelines.

- For up to one year following the birth of the child, any full time employee who is breastfeeding will be provided reasonable break periods to express breast milk for her newborn child. Any nursing mother who intends to exercise her right under FLSA is required to inform the worksite Administrator or designee that she will require up to two reasonable break times during an eight (8)-hour day.
- An employee lactation room will be a private and sanitary place for breastfeeding to express milk during work hours. This room shall be shielded from view and free from intrusion from coworkers and the public. The room, where possible, will include an electrical outlet for the use of an electric breast pump, a table and comfortable chair with armrest, a refrigerator for the safe storage of breast milk, and running water for washing hands and rinsing pump parts.

- A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breast milk for her child. The time would not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/annual leave time must be used. The employee and her immediate supervisor will agree on the times for these breaks.
- Retaliation, harassment, and discrimination in any way against an employee who chooses to express breast milk in the workplace are strictly prohibited. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense to be reported to an appropriate administrator.

The goal of these guidelines is to ease the transition of mothers who return to work following the birth of a child; enable mothers to breastfeed past the time off allowed by the Family and Medical Leave Act; assist mothers to attend work rather than having to take time away from work to express milk; help control healthcare costs by providing opportunity to develop a healthier infant; ensure that women who are pregnant or considering pregnancy know that breastfeeding will be accommodated by OCPS; and assist employees to experience a work-life balance.

For additional guidance please contact the District's ADA Compliance Office.

ADA COMPLIANCE OFFICE

OFFICE OF LEGAL SERVICES
Orange County Public Schools
445 West Amelia Street
Orlando, Florida 32801
Cisco IP: 2002923
Direct: (407) 250-6248
Facsimile: (407) 317-3348
ada.ocps.net

Lactation Accommodation

Frequently Asked Questions

Q: Why did Orange County Public Schools adopt lactation guidelines?

A: The Patient Protection and Affordable Care Act, enacted March 23, 2010, requires employers subject to the Fair Labor Standards Act (FLSA) to provide unpaid reasonable break time for an employee to express breast milk for a year after her child's birth.

Q: What employees are covered under the guidelines?

A: Only non-exempt employees are affected by the law; however, OCPS will permit all employees to be covered by these guidelines.

Q: Are break(s) paid or unpaid?

A: Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. Exempt employees are paid a salary and unpaid breaks are part of the bi-weekly salary.

Q: How many break(s) are considered reasonable?

A: Up to two (2) unpaid 15-20 minute breaks per eight (8) hour work day to express breast milk are considered reasonable.

Q: Are restrooms considered a "private place" for expressing milk?

A: The Act defines a private place as a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the general public, which may be used by an employee to express breast milk.

Q: Are there certain requirements that must be included in the "private place" for expressing milk?

A: Although the Act does not require an employer to provide equipment for the nursing mother, to demonstrate our commitment to a family friendly work environment, the site administrator may want to consider providing a comfortable chair, a flat surface or small table, a wall clock, an electrical outlet, a small refrigerator, and breastfeeding resource material.

Q: Can requests for breaks be denied?

A: Requests for breaks should not be denied. However, if providing breaks present a hardship for your worksite, please contact the District's ADA Compliance Officer for guidance.