

KEY TALKING POINTS FOR LACTATION SUPPORT

There are a number of important takeaways from the Lactation Support policy:

1. The Patient Protection and Affordable Care Act (“PPACA”), signed into law on March 23, 2010, amended Section 7 of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 207(r)(1). Thus, it is mandatory that we comply.
2. The mandate applies to all nursing mothers of infants aged 12 months or less.
3. The provision only mandates the right to express breast milk; it does not create a right to breastfeed an infant at work.
4. Employers must furnish a private place, not a bathroom. The location should have a door that can be secured or locked, adequate lighting and seating, and electrical outlets for pumping equipment.
5. The private place need not be dedicated to nursing mothers’ use, but it must be available when needed by nursing mothers.
6. The employee’s supervisor should meet with the employee and discuss a plan for taking breaks to express milk, which discussion should necessarily include the needs for patient care, the location for expressing milk, storing the milk and what will trigger the use of paid leave.
7. The employee is responsible for storage of the expressed milk.
8. Expressed milk cannot be stored in any area where patients’ medications, patients’ expressed milk, food or other such items are kept.
9. Employees can use lunch breaks and the two 15-minute breaks most units provide to their employees for the purpose of expressing milk.
10. Any time used in excess of the lunch break or two 15-minute breaks shall require the use of paid leave (e.g., PTO, vacation or holiday leave). If no paid leave is available, unpaid leave may be used. However, paid leave must be used before unpaid leave is permitted. This requirement applies to hourly employees. Salaried-exempt employees are exempt from this time keeping requirement.
11. Hourly employees are required to clock in and out by using “1s” and “9s” for lactation breaks. Salaried-exempt employees are exempt from this time keeping requirement.
12. Any employee who violates this policy by using the time designated for expressing milk for other personal purposes may be disciplined. Any supervisor who fails to comply with this policy may be disciplined.