

General/Student Policy – Nursing Mothers

Policy:

To comply with the nursing mothers' provision set forth in the Patient Protection and Affordable Care Act (PPACA) effective March 23, 2010, the following guidelines have been prepared.

Employees:

In accordance with PPACA, BSC will provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express milk."

- The frequency of breaks needed to express milk as well as the duration of each break will likely vary.
- This break time is compensable.

BSC will provide "a place, other than a bathroom, that is shielded from view and free from intrusion, which may be used by an employee to express breast milk."

- A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed in order to meet the statutory requirement. 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 the space is shielded from view, and free from any intrusion from coworkers and the public.

Location:

- Visit with your supervisor for an appropriate location.

Students and Visitors:

BSC will provide "a place, other than a bathroom, that is shielded from view and free from intrusion, which may be used by a student or visitor to express breast milk."

- A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed in order to meet the statutory requirement. 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 the space is shielded from view, and free from any intrusion from other students and the public.

Location (inquire at the front desk area for room availability and office hours):

- Library, English and Arts (LEA) - 1st floor Library
- Student Union – Bookstore
- National Energy Center of Excellence (NECE) – 340 – 3rd floor

- Allied Health – 251

Reference:

Fact Sheet #73: Break Time for Nursing Mothers under the FLSA -
<http://www.dol.gov/whd/regs/compliance/whdfs73.htm>

History of this Policy:

Guidelines were established and distributed on April 18, 2011.

Revisions: changed from a guideline to a policy; reviewed by the Operations Council on July 13, 2016 and approved by the Executive Council August 1, 2016; approved by the President's Cabinet September 12, 2016; October 26, 2016; June 26, 2017; August 16, 2017; February 18, 2020.