

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Worksite Nursing Mother Policy

**Regulation and Procedure
Number: URP: 05.420**

Policy Owner: Finance and Administration

POLICY STATEMENT

As a requirement of the Patient Protection and Affordable Care Act ("PPACA"), Section 7 of the Fair Labor Standards Act ("FLSA") and Section 619 of the Texas Government Code, employers are required to provide "reasonable break time for employees to express breast milk for a nursing child for one (1) year after the child's birth, each time such employee has need to express the milk."

Texas Woman's University recognizes the benefits of breast feeding and supports strategies in support of worksite breast feeding in accordance with and in addition to federal and state law. This support includes providing the workplace flexibility required to schedule time to express milk and facilities that provide a clean, private space appropriate for expressing milk.

Texas Woman's University offers a supportive, respectful environment and does not tolerate harassment, discrimination or retaliation against lactating mothers or those who may become lactating mothers.

APPLICABILITY

This policy is applicable to TWU Student Employees, Faculty, and Staff.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. Notification

An employee should notify her immediate supervisor, manager or department chair prior to returning from leave of her intention to breastfeed and the need to express milk. This notification should give ample time for the department to make arrangements to provide the required private space.

II. Location and Space

- A. A temporary or permanent place other than a restroom, where the employee can express milk, must be provided that is shielded from view and free from intrusion from other employees and the public. The location provided for expressing milk does not have to be dedicated to nursing mothers, but it must be made available to nursing mothers when needed.
- B. Appropriate space includes an electrical outlet, comfortable chair and nearby access to clean, safe water. Employees may hygienically store their expressed milk in either their own personal insulated coolers with ice packs or in the employee break room refrigerator. As with any personal food item, handling and supervision of the expressed milk is the sole responsibility of the employee.
- C. A list of designated rooms can be obtained by contacting the Office of Human Resources, Student Life or the University website. When more than one employee needs to use a private room, employees will need to work together to coordinate with the contact person for access to the room. If an employee prefers, she may also express milk in her own private office, or in another private location agreed upon in consultation with the employee's supervisor.

III. Breaks and Flexible Scheduling

- A. Working mothers and supervisors should work together to plan break times when the employee can express milk during the work day. When the needed break times exceeds the time required for usually provided paid breaks, options for scheduling should include flexible scheduling to allow employees the option of making up missed work (shortening lunch periods, extending the workday to allow for expressing milk, etc.).
- B. In accordance with Texas Health and Safety Code §165.002, Texas Woman's University recognizes that a mother is entitled to breastfeed her baby in any location she is authorized to be. While a baby may not remain with the employee throughout the work day, breastfeeding employees may pump or breastfeed their babies during designated break times.

IV. Human Resources Notifications

Human Resources will regularly notify employees about this policy.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

None

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