

PURPOSE

In recognition of the well-documented health advantages of breastfeeding, the Michigan Department of Health and Human Services (MDHHS) provides a supportive environment to enable breastfeeding employees to express their milk during work hours. This entails providing employees with reasonable break times to express milk for a nursing child in a location shielded from view and free from intrusion from coworkers and the public.

POLICY

Milk Expression Breaks

Breastfeeding employees will receive reasonable break time to breastfeed or express milk. Typically may include two to four times in an eight-hour period for up to about 30 minutes (for each pumping session) in the first 12 months. Employees with infants older than 12 months old could continue to have permission granted by their supervisor to utilize the lactation room.

A Place to Express Milk

Managers must consider other factors when determining how they will provide both reasonable break time and space for nursing mothers. For example, factors such as the location of the space and the amenities nearby (such as the proximity to employee's work area, availability of sink for washing, location of refrigerator or personal storage for the milk, etc.) can affect the length of break an employee will need to express milk.

All buildings with MDHHS employees will provide private space for employees to breastfeed or express milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing individual is using the room to express milk. Breastfeeding employees can reasonably expect a room or space that will:

- Not be a toilet stall or restroom.
- Have a door equipped with a functional lock. If this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public.

- Ensure privacy from coworkers and the public.
- If multiple users share the room at the same time, provide a mechanism to ensure privacy between them.
- Contain at a minimum a comfortable chair, small table, electrical outlet, and a counter or other flat surface for each nursing employee the space will support.
- Helpful, but not required, additions to the room might include:
 - A location near a sink for washing hands and rinsing out breast pump parts.
 - A refrigerator.
 - Anti-microbial wipes.
 - A clock.
 - A bulletin board to post policies, support groups, storage guidelines.
 - Peaceful pictures.

If employees prefer, they may also breastfeed or express milk in their own private work space or in other comfortable locations agreed upon in consultation with the employee's supervisor.

Milk Storage

Expressed milk can be stored in break room refrigerators or in designated refrigerators provided in the lactation room. Employees may also opt to provide their own personal cooler. Employees are responsible for proper storage of their milk and must label all expressed milk containers with their name and date so it is not inadvertently confused with another employee's milk.

Breastfeeding Equipment

MDHHS will not provide breast pumps.

Staff Support

The lactation room policy must be included in new employee orientation training. MDHHS offices will post information in the lactation room and other appropriate, conspicuous places regarding employees' rights under the federal workplace-lactation-

accommodation law in the U.S. Patient Protection and Affordable Care Act.

Breastfeeding-Friendly Environment

Do not discriminate against employees for expressing milk during the work period, and make reasonable efforts to assist employees in meeting their infant feeding goals while at work.

EDUCATION

The MDHHS intranet Parenting Resources page will provide breastfeeding education resources, including contact information for local organizations that provide breastfeeding classes.

<http://inside.michigan.gov/dhs/Tools/ER/Pages/Parenting.aspx>

LEGAL BASE

The Patient Protection and Affordable Care Act also known as the Affordable Care Act, amended section 7 of the Fair Labor Standards Act (FLSA) to require employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Employers must provide a place to for employee to express breast milk, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. The break time requirement became effective when the Affordable Care Act became law on March 23, 2010. The Wage and Hour Fact Sheet #73 "Break Time for Nursing Mothers under the FLSA" and the Frequently Asked Questions (FAQs) available at the link for nursing employees in this policy provide basic information about the law.

[FLSA § 7\(r\) \(as amended by the Affordable Care Act, P.L. 111-148\) 2014 PA 197](#)

RESOURCES

[The United States Department of Labor Wage and Hour Division for Nursing Mothers website](#)

[National Conference of State Legislatures \(NCSL\) Breastfeeding State Laws Blog](#)

Michigan Breastfeeding Network (MIBFN) Workplace Lactation Toolkits <http://mibreastfeeding.org/workplace>