

Break Arrangements for Nursing Mothers

In accordance with the Fair Labor Standards Act Section 7(r), supervisors must provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time the employee has need to express milk. In addition to the requirements of the Fair Labor Standards Act, the College also complies with Utah Code Title 34. Chapter 49. Part 2. as follows:

34-49-202. Reasonable breaks and private room required.

- (1) (a) A public employer shall:
 - (i) provide for at least one year after the birth of a public employee's child reasonable breaks for each time the public employee needs to breast feed or express milk; and
 - (ii) consult with the public employee to determine the frequency and duration of the breaks.
- (b) A break required under Subsection [\(1\)\(a\)](#) shall, to the extent possible, run concurrent with any other break period otherwise provided to the public employee.
- (2) (a) A public employer shall provide for a public employee a room or other location in close proximity to the public employee's work area.
- (b) The room described in Subsection [\(2\)\(a\)](#):
 - (i) may not be a bathroom or toilet stall; and
 - (ii) shall:
 - (A) be maintained in a clean and sanitary condition;
 - (B) provide privacy shielded from the view of and intrusion from coworkers or the public;
 - (C) be available at the times and for a duration required by the public employee as determined in consultation with the public employee under Subsection [\(1\)\(a\)\(ii\)](#); and
 - (D) have an electrical outlet.

- (c) (i) Notwithstanding Subsection [\(2\)\(a\)](#), an employer is not required to comply with the requirements of Subsections [\(2\)\(a\)](#) and [\(b\)](#) if compliance would create an undue hardship on the operations of the employer.
- (ii) For purposes of Subsection [\(2\)\(c\)\(i\)](#), an undue hardship is a requirement that would cause the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's operations.
- (3) (a) A public employer shall provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of the public employee's breast milk.
- (b) Notwithstanding Subsection [\(3\)\(a\)](#), a public employer with a public employee not working in an office building may, in the alternative, provide a nonelectric insulated container for storage of the public employee's breast milk

Additional information can be found at the following links:

<http://www.dol.gov/whd/regs/compliance/whdfs73.htm>

http://le.utah.gov/xcode/Title34/Chapter49/34-49-S202.html?v=C34-49-S202_2015051220150512

Employees and supervisors with questions regarding break time, compensation, or any other question related to breaks for nursing mothers may contact Employee Relations at (801)957-4212 for assistance.