

## Davis School District Policy and Procedures

**Subject: 2HR-207 Break Time for Nursing Mothers**

**Index: Human Resources – Employee Legal Rights and Responsibilities**

**Revised: June 2, 2020**

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### 1. PURPOSE AND PHILOSOPHY

The federal Fair Labor Standards Act (FLSA) and state law require a reasonable break time and place for an employee to express breast milk for her nursing child for one year after the child's birth. This policy provides guidance for compliance with the law and prohibits discrimination and/or harassment of qualifying employees who exercise their right under this policy.

### 2. POLICY

The FLSA and state law require the Davis School District (District) to provide reasonable unpaid break time and a suitable place for employees who are nursing mothers to express breast milk for up to one year following the child's birth each time such employee has need to express the milk. School administrators and department directors/supervisors are responsible for ensuring compliance in his or her school, department, or office.

### 3. GENERAL PROVISIONS

- 3.1. School administrators and department directors/supervisors are responsible for providing accommodations to an employee requesting breaks under this policy.
- 3.2. If possible, administrators or department directors/supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.
- 3.3. Employees desiring to utilize the accommodations provided by this policy shall notify their administrator or supervisor by submitting a copy of the [Nursing Mother Accommodation Request Form](#). If possible, the employee will make notification prior to returning to work from maternity leave to allow sufficient time to secure an appropriate break area to meet the employee's needs and to develop shared expectations and an understanding of what will constitute a reasonable break time.
- 3.4. School administrators and department directors/supervisors should consider ways to accommodate a nursing employee's needs with minimal disruption of the school or work environment.

### 4. BREAK TIMES FOR NURSING MOTHERS

- 4.1. Although paid break times are not required by the FLSA, the District accommodates employees who choose to continue breast feeding after returning to work.
  - 4.1.1. An employee who is a nursing mother may take reasonable unpaid breaks each day to express breast milk each time the employee has need to express milk. This time should be reflected on the employee's timecard.
  - 4.1.2. The employee's supervisor shall work with the employee to arrange a break schedule accommodating the employee while minimizing disruption in the work place.
  - 4.1.3. The break time must, if possible, run concurrently with any break time already provided to the employee.
- 4.2. Although not required, school administrators and department directors/supervisors may provide flexible scheduling for those employees who choose to make up for any unpaid break time used for expressing milk.

**5. LACTATION AREA**

Each administrator or department director/supervisor shall identify a private functional room or space where, if a request is made an employee may express milk. The private space shall:

- 5.1. be in close proximity to the work area;
- 5.2. be other than a bathroom;
- 5.3. be maintained in a clean and sanitary condition;
- 5.4. include an electrical outlet for the use of an electric breast pump; and
- 5.5. provide privacy shielded from the view of and intrusion from co-workers and the public.

**6. STORAGE**

The administrator or department director/supervisor shall provide the nursing employee with access to a clean and well-maintained refrigerator or freezer for the temporary storage of the employee's breast milk.

**7. DISCRIMINATION PROHIBITED**

The District may not refuse to hire, promote, discharge, demote, or terminate a person, or may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace.

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**REFERENCES**

U.S.C. 29 § 207(r) - Maximum hours - Reasonable Break Time for Nursing Mothers  
[Utah Code Ann. Title 34, Chapter 49](#) – Nursing Mothers in the Workplace

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**FORMS**

[Nursing Mother Accommodation Request Form](#)

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**DOCUMENT HISTORY:**

**Adopted: August 2, 2011**

**Revised: May 20, 2015** – Updated consistent with changes in State law. Expands breaks to all employees rather than non-exempt only as allowed under the FLSA.

**Revised: June 2, 2020** - Five-year review. Non-substantive changes.