



## TEXAS TECH UNIVERSITY™

### Operating Policy and Procedure

#### **OP 70.46: Break Time for Nursing Mothers**

**DATE:** April 27, 2020

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish standards and protocols for nursing or lactation accommodation in the workplace.

**REVIEW:** This OP will be reviewed in June of even-numbered years by the Assistant Vice President for Human Resources and the Office of Equal Opportunity with substantive revisions forwarded to the Chief of Staff and Associate Vice President for Administration.

#### **POLICY/PROCEDURE**

##### **1. General Information**

Texas Tech University supports and encourages the practice of breastfeeding and the expression of breast milk by employees who are breastfeeding when they return to work. For this reason, Texas Tech will make reasonable efforts to provide a room or other location in close proximity to work areas where an employee can nurse a baby or express milk in privacy.

##### **2. Applicability**

This policy applies to all employees, including student workers.

- a. An employee shall be eligible for this benefit up to one year after the child's birth. If additional time is needed, a new request form should be submitted to the supervisor for consideration.
- b. This benefit is available to employees during their basic workweek and any overtime or additional hours worked.

##### **3. Employee Responsibilities**

- a. Upon return to work after the birth of a child, a breastfeeding employee will be allowed a flexible schedule that will provide reasonable time to nurse or express milk during working hours.
- b. An employee wishing to utilize this benefit shall provide reasonable notice of request to their supervisor by submitting the *Break Time for Nursing Mothers Request* form. Such notice, preferably, shall be provided to the supervisor prior to the employee's return to work following the birth of the child in order to allow adequate time to establish a location and schedule break times.

- c. An employee is required to work with their supervisor to develop a schedule for breaks that ensures the least amount of disruption to the work of the employee's department.
- d. An employee is not entitled to excuse themselves from their workstation for this purpose without prior approval.
- e. An employee is required to provide their supervisor notice when time for nursing or expressing breast milk is no longer required.

#### **4. Reasonable Break Time**

- a. Though not required to, an employee may use their normal break time and/or meal period for this purpose or a reasonable amount of time during a regular work shift. If possible, the nursing or milk expressing time is to run concurrently with any break time already provided. If the employee uses time other than a regularly scheduled break time, the employee will be required to make up that time during the same workday or take vacation or leave without pay for that period of time.
- b. Two breaks per day of up to 20 minutes, one in the first four hours of the workday and one in the last four hours of the workday, will be compensated. Breaks in excess of 20 minutes will not be compensated. Any time in excess of 20 minutes per break shall either be made up by extending the workday or taken as vacation or leave without pay and will be coordinated with the immediate supervisor.
- c. An employee may be required to postpone a scheduled break time for up to 30 minutes if appropriate coverage of their workstation is not available.
- d. If the employee is nursing, no additional time will be allowed to travel to a different location. The employee may arrange for the baby to be brought to the designated break room at the appointed times.

#### **5. Provision of Facilities for Nursing or Milk Expression**

Texas Tech University will make reasonable efforts to provide a private room or other location free from intrusion of co-workers and the public for the purpose of nursing or expression of breast milk.

- a. Any room or location designated for this purpose should be reasonably close to the work area of the employee.
- b. The designated area should not be accessible to the public or other employees while it is in use for nursing or expression purposes.
- c. The designated area should contain, at minimum, a chair and small table, desk, counter, or other flat surface; an electrical outlet; and, if possible, a door with a lock.
- d. If an employee has a private office, it may be used for this purpose.
- e. The designated area shall not be a restroom or toilet stall.
- f. Mother friendly rooms are to be used solely for the purpose of expressing milk.

## **6. Storage of Breast Milk**

Texas Tech University is not responsible for insuring the safekeeping of expressed milk stored in any refrigerator on its premises.

- a. Storage of the expressed milk is the responsibility of the employee. All expressed milk must be stored in closed containers, regardless of the method of storage.
- b. If the milk is stored in a common refrigerated space, the employee must provide an insulated container to avoid contamination from other items stored therein. The container should be labeled with the employee's name and the date.
- c. If a refrigerator is not available, the employee may bring a small ice chest or other insulated container to store their milk.

## **7. Forms**

The form to request nursing mother breaks is available on the Human Resources website:  
<http://www.depts.ttu.edu/hr/forms.php>

## **8. Authoritative References**

[29 USC. Section 207\(r\)\(1\)–Fair Labor Standards Act](#)  
[Texas Health and Safety Code Sections 165.001–165.003](#)

## **9. Right to Change Policy**

Texas Tech reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.