Michigan Tech Lactation Accommodation Information for Employees and Supervisors

Michigan Tech encourages all pregnant and postpartum employees to consider breastfeeding their children as a means of promoting the health of both child and mother. Employees are encouraged in their efforts to combine working and breastfeeding. Breastfeeding employees should be allowed flexibility in their schedule to address the need to pump or nurse.

Break and Lunch Times
Time allowed will not exceed the normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, an employee may work a flexible schedule, take time off without pay, use sick and/or comp time, or use lunch time to extend their break. Even though the Fair Labor Standards Act amendment applies only to non-exempt (hourly) employees and student employees, Michigan Tech’s support of nursing mothers in the workplace extends to exempt employees. It is assumed that no serious disruption of University operations will result from providing lactation time.

Requirements of the Federal Fair Labor Standards Act
The Federal Fair Labor Standards Act (FLSA), Section 4207, requires that:
(1) An employer will provide:
   • A reasonable break time for an employee to express breast milk, each time the employee needs to express milk, for 1 year after the child’s birth
   • A place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public.
(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

Supervisor and employee should ensure that both are aware of a woman’s right to reasonable break time and a private location for lactation purposes until her child is one year old. They should work together to identify an appropriate space, and discuss any flexible work arrangements that may be necessary. Any questions about accommodation should be directed to the WorkLife Connections Office (worklife@mtu.edu or 487-2416).

Nursing women are permitted a “reasonable amount” of break time to express milk. Typically, 15 to 20 minutes every three to four hours are required, however travel time needs to be considered as well. Non-exempt employees are entitled to morning and afternoon breaks, not to exceed 15 minutes each, which are included with the total required hours of work. Time off for these breaks is already paid. To accommodate mothers who require more than 15 minutes, managers may permit these breaks to be extended by up to 15 minutes each by taking unpaid time from the lunch period or extending the work day. Managerial approval is required for extended breaks. Possible flexible work arrangements include:
   • Shorten a lunch break to account for a morning and an afternoon lactation break.
   • Arrive at work earlier than the regular starting time or leave later than the regular departure time to account for lactation breaks.

EMPLOYEE RESPONSIBILITIES
• Discuss plans with supervisor for expressing breast milk before starting maternity leave. Employees are encouraged to work with their supervisor to identify appropriate facilities in advance of the employee’s return to work after childbirth.
• A woman is responsible for discussing her intent to use a lactation room during the work day with her supervisor prior to the baby’s birth, preferably four weeks or more in advance of her return to work. In addition, the employee must notify her supervisor when she no longer needs this accommodation.
• Employees must request and arrange with their supervisor appropriate and reasonable break times for lactation purposes.
• Check the list of lactation spaces to obtain information regarding availability and locations of designated spaces for pumping on campus or arrange with supervisor to find a private place to pump within the employee’s building.
• Break times for lactation purposes should run concurrently with rest periods already provided. If more than 15 minutes is needed (rest periods are 15 minutes by definition), the employee may choose to take any additional time without pay, use vacation and/or comp time, or adjust their schedule to cover the time missed in consultation with the employee’s supervisor.
• Break times for lactation purposes only cover on-campus facilities. This does not cover an employee going home to nurse an infant.
• Nursing mothers will provide their own cold storage for expressed milk. No refrigerators will be provided by the University.
• Any grievances regarding these arrangements will go through regular channels.

SUPERVISOR RESPONSIBILITIES
• Supervisors are required to provide reasonable break time and/or make reasonable accommodations for flexible work
• The supervisor is responsible for making the determination as to whether break times can be adjusted based on operational considerations.
• Inform the employee of available resources on campus.
• The supervisor must assist in providing a positive, supportive atmosphere for breastfeeding employees.

INFORMATION ABOUT CAMPUS LACTATION SPACES
Michigan Tech has established permanent lactation centers in the Hamar House (2nd floor), the Administration Building (south side, 1st floor), and the EERC (1st floor). In the future, these spaces will be equipped with commercial-grade pumps and provide a comfortable and private environment for mothers. Each room has a posted schedule so that rooms may be reserved in advance. Registration for the use of lactation spaces is requested. Forms are available in the spaces and on this website.

If a dedicated lactation room is not accessible, managers can consider options such as temporarily making use of an unused office or other room, reserving a conference room as needed, or adapting a clean and infrequently used small storage area. A bathroom is NOT acceptable.

Additional lactation-friendly spaces will be identified. Temporary use of a co-worker’s or supervisor’s office space with a locking door, or temporary use of a reservable conference room with a locking door is also an acceptable alternative. An employee or student may express breast milk in a work area (other than a laboratory) or study area if it meets the requirements. A bathroom is NOT acceptable.

INFORMATION ABOUT DEPARTMENTAL ACCOMMODATION
Even though permanent lactations centers have been established and are now available to employees, it is important that each department think proactively about how they may additionally be able to accommodate nursing mothers should the lactation center locations not be convenient or available when needed. The qualities of an adequate lactation space are:
• No less than 30 sq. ft. in size
• Private/Lockable
• Equipped with a comfortable chair and a table or counter
• Electrical outlets are available
• Convenient to a source of hot and cold running water
• NOT a bathroom