

BESPA Proposal  
May 16, 2022

**5.23 Nursing Mothers: Protections shall be granted to nursing mothers in addition to applicable state and federal laws, including Section 7 of the Fair Labor Standards Act. Nursing mothers will be provided with reasonable break time to express breast milk for one year after a child's birth. The District will provide a dedicated and private place, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public, which may be used by an employee to express breastmilk. Employees must keep their immediate supervisor informed of their needs so that appropriate accommodations can be made with minimal disruption to the employee and the worksite. Nursing mothers who feel they have been denied appropriate accommodations are encouraged to contact Human Resources.**

Deleted language is identified with a ~~strikethrough~~.

New language is identified in boldface and is underlined.

Wage and Hour Division

# Section 7(r) of the Fair Labor Standards Act – Break Time for Nursing Mothers Provision

Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the FLSA to require employers to provide a nursing mother reasonable break time to express breast milk after the birth of her child. The amendment also requires that employers provide a place for an employee to express breast milk.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

<p>(r) An employer shall provide—</p> <p>(1)</p>	<p>1. a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and</p> <p>2. a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.</p>
<p>(2)</p>	<p>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.</p>
<p>(3)</p>	<p>An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.</p>
<p>(4)</p>	<p>Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.</p>

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**Wage and Hour Division**

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