



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### **HSCEP OP: 70.42, Break Time for Nursing Mothers**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to establish standards and protocols for nursing or lactation accommodation in the workplace.

**REVIEW:** This HSCEP OP will be reviewed on June 1 of every even-numbered year (ENY) by the Executive Director for Human Resources and the Director or Equal Employment Opportunity or designees, with recommendation for revisions submitted to the Chief Financial Officer or designee by June 30.

### **POLICY/PROCEDURE:**

#### 1. General Information

TTUHSCEP 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, TTUHSCEP will make reasonable efforts to provide a room or other location in close proximity to work areas where an employee can nurse her baby or express her milk in privacy.

#### 2. Applicability

This policy applies to all employees, including student workers.

- a. An employee shall be eligible for this break time up to, but not beyond, one year after the child's birth.
- b. This break time 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 avail herself of this break time shall provide reasonable notice of request to her supervisor by submitting the *Break Time for Nursing Mothers Request* form. Such notice 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 schedule break times and to establish a location if a lactation room is not available on campus.
- c. An employee is required to work with her 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 herself from her workstation for this purpose without prior approval.
- e. An employee is required to provide her supervisor notice when time for nursing or expressing breast milk is no longer required.

- f. This policy does not permit that a baby may remain in the workplace in lieu of regular off-site child care.

#### 4. Reasonable Break Time

- a. Although an employee is not required to, she may use her normal break time and/or meal period for this purpose or a reasonable amount of time during her 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 work and one in the last four hours of the workday, will be compensated. Breaks in excess of 15 minutes will not be compensated. Any time in excess of 20 minutes per break shall either be made up by extending the work day or taken as vacation or leave without pay and will be coordinated with the immediate supervisor.
- c. An employee may be required to postpone scheduled break time for up to thirty minutes if appropriate coverage of her workstation is not available.
- d. Where allowed, if the employee is nursing, no additional time will be granted to travel to a different location. The employee may arrange for the baby to be brought to the designated location at the appointed times.

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

TTUHSCEP 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 location should not be accessible to the public or other employees while it is in use for nursing or expression purposes.
- c. The designated location should contain, at minimum, a chair and a flat surface such as a desk, table or counter, an electrical outlet, and a door with a lock. Refer to section 6 of this policy for the minimum standards for a lactation room.
- d. If an employee has a private office, it may be used for this purpose.
- e. The designated location shall not be a restroom or toilet stall.

#### 6. Lactation Room Minimum Standards – Mother-Friendly Worksite Designation

If a lactation room is established on a campus or in a building, it shall meet the following minimum standards.

- a. adhere to the definition and specifications of a mother-friendly business (Refer to Texas Health and Safety Code Sections 165.001–165.003) ;
- b. provide access to a clean, safe water source and a sink; and
- c. provide access to a hygienic place to store expressed breast milk.

#### 7. Storage of Breast Milk

TTUHSCEP is not responsible for ensuring 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 expressed 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 expressed milk.

8. Authoritative References

29 USC. Section 207–Fair Labor Standards Act  
Texas Health and Safety Code Sections 165.001–165.003

9. Right to Change Policy

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