

PUMP and PWFA

The Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act or PUMP Act) requires employers to provide reasonable break time and a private place other than a bathroom for an employee to pump breast milk for their nursing child for one year after the child's birth each time such employee has need to pump at work.

The Pregnant Workers Fairness Act requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship.

The following contract language are advocacy examples of the above mentioned laws:

NEA Model Language

The district shall provide reasonable break time and a private place, other than a bathroom, for employees to express breast milk for their nursing child for at least one year after the child's birth. The private space shall be in close proximity to the employee's work area. The aforementioned break time and private place will be provided each time such employee has need to express milk at work.

The aforementioned private space will include a refrigerator for the storage of the breastmilk during the workday, an electrical outlet, a flat surface, a sink with running water, a locking door from the inside without windows, and will never accessible to students.

Local Collectively Bargained Language

LOCAL NAME: MARFAC ASSOCIATION-CTA

STATE: CALIFORNIA

TYPE OF CONTRACT: TEACHERS

Lactation Accommodation: Employees have a right to reasonable break time to express milk in private, as set forth in Board Policy 4033. Employees who require lactation accommodations should discuss the need for an accommodation with their immediate supervisor. The District will provide a private lactation space, which may be the place where the employee normally works, and which shall be: safe, clean, and contain a surface to place a breast pump and personal items, contain a place to sit, and have access to electricity or alternative devices (such as extension cords or charging stations). The space shall be free from intrusion and in close proximity to the employee work area, and shall not be a bathroom stall. The District will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workplace (or another cooling device suitable for storing milk).

LOCAL NAME: NORTH CEDAR EDUCATION ASSOCIATION

STATE: IOWA

TYPE OF CONTRACT: TEACHERS

Breastfeeding Accommodations

The Employer will provide a reasonable break time for an employee to express breast milk for her nursing child each time such employee has a need to express breast milk. The employer will provide a place that is private and free from intrusion, other than a bathroom, which may be used by an employee to express breast milk. It shall be the employee's responsibility to notify the employer, in

advance, of the need to express breast milk during the workday, including the employee's preferred schedule for the expression of breast milk. The employer shall not require any break to be less than fifteen (15) minutes in length.

The employer will provide a designated refrigerator to be used for the safe and proper storage of breast milk expressed during the work day. The employee must provide all necessary equipment and containers and must properly label any container stored within the refrigerator designated by the employer.

LOCAL NAME: UNITED TEACHERS OF RICHMOND
STATE: CALIFORNIA
TYPE OF CONTRACT: TEACHERS

Upon request unit members, returning from Pregnancy Disability Leave will be provided a lactation room that is 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. These members will be provided a reasonable amount of break time as needed by the nursing mother, which shall, if possible, run concurrently with any break time already provided to the employee.

LOCAL NAME: BAKER COUNTY EDUCATION ASSOCIATION
STATE: FLORIDA
TYPE OF CONTRACT: TEACHERS

Pursuant to School Board Policy, the district shall provide reasonable break time, including classroom coverage if needed, for a nursing mother to express milk for her nursing child for one year after the child's birth, however, this must be coordinated with the site supervisor.

LOCAL NAME: ALUM ROCK EDUCATORS ASSOCIATION
STATE: CALIFORNIA
TYPE OF CONTRACT: TEACHERS

All school site administrators shall provide each teacher a reasonable amount of break time to accommodate such teacher desiring to express breast milk for the teacher's infant child.

The site shall make reasonable efforts to provide the employee with the use of a room or other location, other than a bathroom, in close proximity to the teacher's assigned classroom or other work area, for the employee to express milk in private. The room or location may include the place where the teacher normally works if it is private and secure.

LOCAL NAME: PLEASANTON UNIF
STATE: CALIFORNIA
TYPE OF CONTRACT: TEACHERS

Lactation Accommodation. Employees have a right to reasonable break time to express milk. If an employee needs additional break times to express milk, it must be allowed. The District will provide private lactation space, free from intrusion, in close proximity to the employee's work area. This may be the employee's normal work area if the space meets the lactation requirements but shall not be a bathroom stall.

LOCAL NAME: EL MONTE UNION EDUCATION ASSOCIATION
STATE: CALIFORNIA
TYPE OF CONTRACT: TEACHERS

LACTATION ACCOMMODATION

Unit members who intend to express milk will inform their supervisor before returning to work. A unit member who will need a reasonable accommodation related to lactation will give their supervisor notice as soon as practicable. Members and supervisors agree that early notification will ensure the best possible plan for all stakeholders. Members may request union representation when creating this plan.

Prior to their return to work, members expressing milk will create a plan, to include prep periods, with the supervisor. With sufficient advance notice regarding the master schedule, supervisors will make every effort to provide the unit member with the prep period requested. The plan will provide for appropriate coverage for the member throughout the day and for the various bell schedules for the purpose of expressing milk, at no cost to the member.

Members will, whenever possible, express milk during any break time or prep/conference period.

Unit members who are expressing milk will be provided a clean private space in which to express milk.

This space will not be a bathroom or any dirty or unsanitary place. This space will:

- Be located near the member's work area
- Have a locking door (from the inside) and window coverings
- Have a chair to allow sitting and a flat, clean surface for placing pump and bottles of milk
- Have at least one functional electrical outlet for an electric pump

- Be close to clean running water to clean pump parts
- Have paper towels and a privacy screen

The member may choose to express milk in their own work room if mutually agreed and the minimum requirements listed above are met by this work room. Unit members will also have access to refrigerated storage that meets their needs.

LOCAL NAME: COALITION OF-EDUCATION FOR CHANGE-
EDUCATOIN SUPPPORT STAFF

STATE: CALIFORNIA

TYPE OF CONTRACT: ESP

Lactation Accommodation

EFC shall provide appropriate space for CEFC members to express breast milk when needed. The space shall not be a bathroom, shielded from view and free from intrusion by coworkers or the public, have a lock, and not be used for any other activity while used for lactation purposes. The location shall not be accessible to students, shall be in a consistent location, shall be clean, and shall have access to running water and a refrigerator, and electricity. CEFC members will be allowed to use this space without question for at least 25 minutes at a time as frequently as needed.

San Francisco Unified School District and County Office of Education Board Policy 4033

All Personnel - Lactation Accommodation

This Board Policy applies to the San Francisco Unified School District and the County Office of Education.

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any District employee to express milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any District employee for seeking an accommodation to express breast milk for an infant child while at work.

(cf. 4030 - Nondiscrimination in Employment)

The District shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030) To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031 and 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump

5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Fairfax County Public Schools (FCPS), VA

Lactation Support Programming

This is a new policy.

I. PURPOSE

To establish a policy in support of lactating employees and students.

II. RATIONALE

The Fairfax County School Board, in recognition of the well documented health advantages of breast feeding for infants and mothers, will enable breaks of reasonable length during the school day to express milk to feed a child until the child reaches the age of one. Each Fairfax County Public Schools (FCPS) site shall establish a non-restroom, private location for lactation breaks.

III. GOALS

In accordance with this policy, FCPS shall:

- A. Promote a supportive environment for lactating employees and students who wish to express milk during the day to feed their child.
- B. Assist school administrators and program managers in implementing practices that will allow for reasonable lactation breaks during the day in a private, designated space.

C. Provide a Lactation Support Program Toolkit for employees and a Lactation Support Program for Students to be used by program managers, principals, employees, and students to help navigate available resources and best practices.

D. Ensure compliance with Section 4207 of the Affordable Care Act and Code of Virginia, sections 22.1-79.6 and 2.2-1147.1.