

### Working and Pumping Law

#### **An employer is required to provide:**

- A private place, shielded from view and free from intrusion from co-workers and the public.
- A place that is available as needed.
- A place that is **not a bathroom**, even if private, as **it is not a permissible location**.
- Reasonable break time to express breastmilk for **one year after your child's birth**.
  - **"Reasonable" is defined as a pumping break 2-3 times during an 8 hour shift. Longer shifts will require additional breaks.**
  - **A pumping break is defined typically as 15-20 mins.**

An employer is not required to pay an employee while on pumping break unless the employer provides paid breaks. An employee who uses break time to express milk must be paid the same way other employees are compensated for break time.

Employers with fewer than 50 employees are not subject to the break time compliance, if it imposes an undue hardship.

**All** employees who work for the covered employer, regardless of work site, are counted when determining whether this exemption may apply.

Employers are encouraged to provide break time for all nursing mothers including those who may not be covered under the FLSA or who are exempt from section 7, such as salaried employees.

If an employer refuses to comply with the Law requirements or an employee is discharged or in any other manner discriminated against, the employee may file a complaint. Call 1-866-487-9243 or visit [www.dol.gov/whd](http://www.dol.gov/whd).

***The U.S. Protection and Affordable Care Act, March 2010***

***Fair Labor Standards Act (FLSA) - Section 4207, December 2010***