

WINTHROP UNIVERSITY

Lactation Support Policy

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The Patient Protection and Affordable Care Act (PPACA), signed into law in 2010, amended Section 7 of the Fair Labor Standards Act (FLSA) and requires covered employers to provide breaks to nursing mothers. The South Carolina Lactation Support Act, signed into law in 2020, fills the gap between exempt and non-exempt employees, providing protection for all employees who seek to express breast milk while at work. The Pregnancy Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act) were signed into law in 2022 and expand the obligation under the Fair Labor Standards Act (FLSA) to cover all employees.

General Requirements

- Winthrop University must provide “reasonable break time for nursing mothers” to express breast milk for the employees’ nursing child for up to one (1) year after the child’s birth.
- The University must provide “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.”

Coverage and Compensation

- Employees may request reasonable lactation breaks during work hours to express breast milk.
- Employees responsible for being in a classroom at a given time must schedule lactation breaks around scheduled class time.
- Employees must be completely relieved from duty when taking a break to express breast milk or the time to express breast milk must be compensated as work time.
- The University is not required to compensate for breaks taken to express breast milk; however, if an employee generally receives a paid break and uses that time to express breast milk, the employee must be compensated in the same manner as other employees are for the break time.

Time and Location of Breaks

- A bathroom is not a permissible location for expressing breast milk according to the law. The space may be a temporary or converted space and only needs to be available when the nursing mother needs it. The space must be shielded from intrusion by other co-workers and the general public, and should include a chair, an electrical outlet for breast pumps, and a lockable door.
- Employees should discuss with their supervisor the frequency of breaks necessary and how much time is needed for each break. Supervisors must work with employees to establish reasonable, flexible, and mutually agreeable times each day that do not disrupt normal business activities. All reasonable requests may not be refused.
- Employees may work, in collaboration with their supervisor, to determine a suitable area in their department that may be utilized to express breast milk; or employees may use the Lactation Room that is available in the Dacus Library.

Other

- Supervisors may not retaliate against employees who request lactation breaks.
- For assistance with administering lactation breaks, or for additional information please contact the Office of Human Resources at (803) 323-2273, or via email at hrhelp@winthrop.edu.