

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Nursing Mothers</b>	PAGE <u> 1 </u> OF <u> 3 </u>  NUMBER: 36-LEV-07
RULE/CODE REFERENCE: 29 U.S.C. 207 (r)	SUPERSEDES: October 13, 2014
RELATED ACA STANDARDS:	EFFECTIVE DATE: September 21, 2015
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to permit nursing mothers to take reasonable breaks in order to express breast milk in compliance with the Fair Labor Standards Act (“FLSA”), 29 U.S.C. 207(r).

**III. APPLICABILITY**

All employees who have a need to express breast milk for one year after the birth of a child.

**IV. DEFINITIONS**

**Lactation Area** - A place other than a bathroom that is shielded from view, free from intrusion from coworkers and the public which may be used by a nursing mother to express breast milk. The room shall be equipped with an electrical outlet, a table or flat surface to hold the breast pump, and a clean, comfortable chair. The area will be in close proximity to a clean sink and have an available “Do Not Disturb” sign to indicate when it is in use.

**Nursing Mother** - An employee who has a need to express breast milk

**Paid Break** - Compensated time provided in policy or contract where an employee is completely relieved from duty

**Reasonable Break** - Break times, either paid or unpaid, provided to nursing mothers as frequently as needed by the nursing mother for the expression of breast milk

**Unpaid Break** - Uncompensated time in which an employee is completely relieved from duty

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to permit nursing mothers to take reasonable breaks in order to express breast milk in compliance with the Fair Labor Standards Act (“FLSA”), 29 U.S.C. 207(r), and to provide nursing mothers with ongoing support in the workplace.

**VI. PROCEDURES**

- A. A Nursing Mother, upon notification to the personnel office of the need for such accommodations, shall be provided with access to a lactation area for the expression of breast milk. A facility may designate more than one lactation area and/or may relocate a lactation area to best accommodate nursing mothers and/or business operations at the facility.
- B. The Nursing Mother shall provide the personnel officer/designee with the date of the child’s birth, the approximate times during the workday when the Nursing Mother anticipate the need to express breast milk, and the method by which the Nursing Mother prefers to account for the time.
- C. The Nursing Mother shall keep the personnel office/designee apprised of any needs for schedule changes for the purpose of expressing breast milk throughout the time period she remains a Nursing Mother.
- D. Reasonable break times shall be provided for the expression of breast milk in the following ways:
  1. For employees who receive paid breaks from work:
    - a. Nursing Mothers shall be encouraged to use such times to express breast milk, but shall not be required to do so.
    - b. Nursing Mothers shall not be limited to only the paid break times.
    - c. Management shall work with a Nursing Mother to provide a more flexible scheduling of paid breaks that are being used for the expression of breast milk.
  2. For employees who do not receive and/or paid break times are not enough to cover the need of a Nursing Mother to express breast milk:
    - a. Where flexible work schedules and accrued leave (i.e. vacation, personal; or compensatory time) are available, a Nursing Mother may use them for the reasonable break times for the expression of breast milk.
    - b. If a Nursing Mother chooses not to flex her schedule or is unable to flex her schedule and no form of leave accrual is available:
      - i. A Nursing Mother shall be allowed to take unpaid leave time each time she has the need to express breast milk.
      - ii. Such unpaid leave hours shall not be counted as hours worked and may impact other employment benefits, such as retirement contributions.

- E. Management shall work with the Nursing Mother to arrange for the safe and secure storage of the express milk.