

THE PUMP ACT

Providing Urgent Maternal Protections for Nursing Mothers



THE BASICS

All employees are now entitled to “reasonable” break time for lactation purposes for one year after the birth of a child. This includes all hourly, salaried, and exempt employees, including employees working remotely.

REASONABLE BREAK TIME

According to the U.S. Department of Labor, a typical nursing employee might need two to three breaks in a workday, with each break lasting 15-20 minutes. This includes the time to walk to the lactation room, set up, pump, and return to one’s workstation.



LACTATION SPACES

Employers must provide nursing employees a reasonable break time in a space shielded from view and free from intrusion. The lactation space must be “functional” for pumping. An appropriate lactation space would include a chair, table, electric outlet, adequate ventilation, and, ideally, a sink or sanitizing wipes. The lactation space cannot be a restroom.

Employers are not required to designate a permanent lactation space, but space must be readily available when needed.

A lactation space can be a single-person room or a room for multiple employees, as long as there is individual privacy.

An employee may choose to pump in her own office, if private and free from intrusion by others.

PAY FOR BREAK TIME

Employers must pay hourly (non-exempt) employees for break time for lactation unless the employee is completely relieved from all work duties.

Under the FLSA, short breaks (20 minutes or less) usually count as hours worked. If other employees receive short paid breaks, nursing mothers must be similarly compensated.



BEST PRACTICES

- Ensure policies, procedures, and handbooks are updated to comply with the PUMP Act
- Identify existing buildings and locations where lactation spaces can be created
- Incorporate lactation spaces into plans for new construction
- Develop written lactation room standards (amenities, security, cleanliness)
- Develop process for nursing employees to submit requests for use of lactation spaces
- Consider placing informational posters in restrooms, employee lounges, and workrooms
- Create a webpage to provide information regarding lactation break procedures; identify buildings with lactation spaces
- Train supervisors, facilities managers, and others who will manage lactation spaces and their use

