

General Personnel

Administrative Procedure - Workplace Accommodations for Nursing Mothers ¹

The School District accommodates mothers who choose to continue breastfeeding after returning to work. An employee who is a nursing mother may take reasonable unpaid breaks each day to express breast milk or breastfeed her infant. The employee's supervisor shall help the employee arrange a break schedule accommodating the nursing mother while minimizing disruption. The break time must, if possible, run concurrently with any break time already provided to the employee.

Each Building Principal or chief administrator in another District building shall identify a private room or space where, if a request is made, an employee may express milk or breastfeed her infant. The private space must: (1) be in close proximity to the work area and be other than a bathroom, and (2) be free from intrusion from coworkers and the public, and (3) include an electrical outlet for the use of an electric breast pump.

Supervisors should consider ways to accommodate an employee's needs with minimal disruption of the school environment. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

¹ This procedure contains language appropriate for a personnel handbook. Its content is controlled by the laws described below; they must be read together so that the greatest protections of each are granted to the employee. Each accommodation listed in this procedure is required except for the provision regarding an electrical outlet.

The Right to Breastfeed Act provides that a "mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding," (740 ILCS 137/). The Act allows a woman who was denied the right to breastfeed in a public or private location, other than a private residence or place of worship, to bring an action to enjoin future denials and, if she prevails, is awarded reasonable attorney's fees and litigation expenses.

The Nursing Mothers in the Workplace Act, 820 ILCS 260/, requires employers to make reasonable efforts to provide a location, in close proximity to the work area, other than a toilet stall, where an employee can express her milk in privacy.

The Fair Labor Standards Act, 29 U.S.C. §207(r), added by P.L. 111-148, requires employers to provide a reasonable unpaid break time "for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk." It also requires an employer to 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." The federal law entitlement to a break applies to only those employees who are covered by overtime pay requirements. State law, as described above, covers all employees. For more information on the federal law requirements, see the U.S. Dept. of Labor's factsheet, "Break Time for Nursing Mothers under the FLSA,"

www.dol.gov/whd/regs/compliance/whdfs73.pdf.