

DEFINITIONS

Cold storage means an appliance or device for maintaining breast milk at a safe, sanitary temperature for the duration of a work day/shift.

Infant child means a child from date of birth to one year of age.

Nursing mother means an employee who needs to express breast milk for her infant child.

RESPONSIBILITIES

Employees who are nursing mothers are responsible for:

- notifying supervisor that she needs to have a location and time in the workplace for expressing breast milk and obtaining approval,
- working with supervisor to establish a reasonable break schedule for this purpose that should whenever possible run concurrently with any break and/or meal periods already designated for the nursing mother and/or worksite,
- adhering to the established schedule of breaks,
- providing her own apparatus for expressing breast milk,
- either (1) providing own cold storage equipment or (2) clearly labeling any/all container(s) of expressed breast milk stored in agency-provided storage units and removing such containers daily from the workplace, and
- ensuring that the location designated to implement this policy is in clean, ready-for-next-use condition following each use.

Supervisors are responsible for:

- working with nursing mothers to establish reasonable break schedules, and
- ensuring nursing mothers are released from duties for these breaks in accordance with the established schedule.

Employers are responsible for:

- providing breaks for the purpose of expressing breast milk,
- making reasonable efforts to provide a location (not a bathroom) that is shielded from view and free from intrusion from coworkers and the public and as close in proximity to the work area as is reasonably possible, and cold storage to a nursing mother who needs to express breast milk for her infant child,
- setting up a process for nursing mothers to request breaks and a location and distributing notice of that process to employees to implement the purpose of this policy,
- providing basic cleaning supplies for the location used for this purpose.

PROCEDURES

There are two parts to the statutes that are the basis of this policy:

1. Providing reasonable paid break time each day to a nursing mother who needs to express breast milk for her infant child.
2. Providing a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and as close in proximity to the work area as is reasonably possible, where a nursing mother can express breast milk.

Part 1 – Break Time

- Whenever possible, breaks for this purpose must run concurrently with other breaks the nursing mother is authorized to take during the work day/shift. If such breaks extend into work time, that portion is not compensable.
- While specific needs may vary, generally speaking, breaks of 15 minutes once every three hours is sufficient and may diminish over time once an infant child begins eating solid food. However, a break time of more than 15 minutes may be reasonable depending on factors such as the amount of time to visit and return from the designated space, whether the employee has to retrieve a pump and/or other supplies from another location, whether the designated location is without a sink or running water, or whether cold storage for the milk is provided in a different location.

Part 2 – Location

- To the extent reasonably possible, the employer shall provide a space, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and as close in proximity to the work area as is reasonably possible, for employees who are nursing mothers needing to express breast milk for their infant child. The employer is not liable for any harm caused by or arising out of either (1) the expressing of a nursing mother's breast milk, or (2) the storage of expressed milk except in cases of willful misconduct, gross negligence or bad faith.
- The location provided for expressing breast milk cannot be a bathroom.
The location must provide:
 - a clean, private space,
 - chair,
 - table or flat surface,
 - door which can be locked from the inside, and
 - cold storage (such storage can be provided in another location at the work site, but must be provided if the nursing mother(s) do not provide their own storage).

The location should provide:

- an electrical outlet, and
- nearby access to running water.

There is no requirement that a room be set aside solely for the use of nursing mothers to express breast milk.

REFERENCES

IC 5-10-6-2
IC 4-1-2-1
IC 4-15-2.2-10
29 USC 207(r)

FORMS & RESOURCES

[Request for Anticipated Break Schedule and Location to Express Milk for Infant Child](#)