

FEDERALLY MANDATED NURSING MOTHER POLICY

Overview

The Patient Protection and Affordable Care Act requires, in part, that employers permit reasonable break time(s) for nursing mothers to express breast milk each time such employee has need to express the milk for the first year of a nursing child's life.

This Federal law does not preempt existing state laws that provide greater protection to nursing mothers (for example, providing compensated break time, providing break time for exempt employees or providing break time beyond 1 year after the child's birth). Please check with your HR Generalist if you have questions about your specific state.

The Federal law applies only to employees who are not exempt from the overtime requirements of the Fair Labor Standards Act. While employers are not required under the federal law to provide breaks to nursing mothers who are exempt there may be an obligation to provide such break under state law. If employers decide to provide lactation breaks to exempt employees under the Federal law, they cannot make them unpaid by deducting the time from the employees' salaries.

Branches, Kelly Headquarters, and customers are required to comply with the requirements below.

Requirements

- Employers must permit reasonable break time(s) for an employee to express breast milk.
- Employers are obligated to provide a private and sanitary location, other than a bathroom, that is shielded from view and free from intrusion, and includes an electrical outlet. The location does not need to be maintained as a "permanent, dedicated space" but rather can be a part time conversion of certain workspaces if appropriate.
- Where an employer already provides paid breaks, an employee who uses that break time to express milk must be paid in the same way that other employees are compensated for break time. If the break is in excess of 30 minutes for expressing milk the break can be unpaid provided the employee is nonexempt.
- Employees are also entitled to all of their normal breaks.

Questions/Concerns

If a Kelly customer is not providing appropriate break times or for additional information or assistance, contact the HR Knowledge Center at 1-877-301-8460 or HRKnowledgecenter@kellyservices.com.