

General Personnel

Administrative Procedure - Workplace Accommodations for Nursing Mothers¹

The School District accommodates mothers who choose to continue breastfeeding after returning to work. An employee who is a nursing mother may take reasonable breaks 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 may run concurrently with any break time already provided to the employee. The District shall compensate the employee during the break time at the employee's regular rate of pay. The employee is not required to use paid leave during the break time, and the District will not reduce the employee's pay for the break time.

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.

The footnotes should be removed before the material is used.

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 (740 ILCS 137/) 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." *Id.* at 137/10. 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. *Id.* at 137/15.

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. *Id.* at 260/15. An employer must compensate an employee during the break time at the employee's regular rate of pay and may not reduce an employee's compensation for time used for the purpose of expressing milk or nursing a baby. *Id.* at 260/10, amended by P.A. 104-76, eff. 1-1-26. The break time may run concurrently with any break time already provided to the employee. *Id.* Consult the board attorney to ensure the district is properly accommodating and compensating nursing mothers.

The Fair Labor Standards Act, 29 U.S.C. §218d, requires employers to provide a reasonable unpaid break time "for an employee to express breast milk for such employee's 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." *Id.* at §218d(a). The federal law and 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, *FLSA Protections for Employes to Pump Breast Milk at Work*, www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers.