

Date: April 18, 2011

Code: TECHNICAL LETTER
HR/Salary 2011-05

To: Human Resources Officers
Associate Vice Presidents/Deans of Faculty
Payroll Managers

Reference: HR 2011-03

From: Evelyn Nazario
Assistant Vice Chancellor
Human Resources Management



Subject: New Break Time Regulation for Nursing Mothers

Overview

Audience: HR professionals responsible for communicating human resources policies and campus designees responsible for monitoring/supervising employee time and attendance requirements

Action Item: Implementation of a new Fair Labor Standards Act (FLSA) break time regulation for nursing mothers

Affected Employee Group(s)/Unit(s): Nursing mothers who express breast milk for their nursing child while at work

Summary

As communicated in [HR Letter 2011-03](#), on March 23, 2010, a new federal statute, the "Patient Protection and Affordable Care Act" (PPACA) was signed into law. One of the requirements in the Act is that employers provide break time to nursing mothers to express milk for their nursing child. This requirement amended Section 7 of the FLSA. Those in the audience listed above should review the remainder of this technical letter for more detailed information.

The purpose of this coded memo is to provide system-wide guidelines for campus administration of break times for nursing mothers who choose to express milk while at work.

Covered Employees

The PPAC Act provides for break times for this purpose for up to one year after the child's birth. Under federal law, the FLSA requirement of break time to express breast milk extends to nursing mothers who are not exempt from Section 7 of the FLSA, e.g., employees classified as "non-exempt."

Break Guidelines

Employers must provide a "reasonable break time" to express milk. The frequency and duration of the breaks will likely vary depending on a number of factors. The time necessary to express milk includes, among other things,

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