



TEXAS SOUTHERN UNIVERSITY

MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

POLICY: 02.07.02
SECTION: Human Resources
AREA: Employee Relations
SUBJECT: Lactation Accommodations

I. PURPOSE

This policy establishes worksite lactation support guidelines that create a work environment supportive of lactating mothers and encourages breastfeeding of their children for (1) one year following their birth. This policy provides employees with reasonable break times and a private, safe place, other than a bathroom, to express milk. This policy is also intended to comply with legal requirements, to include serving as notice of lactation opportunities as required by various state laws.

The Providing Urgent Maternal Protections for Nursing Mothers Act (the “PUMP Act”) became effective immediately on December 29, 2022, and is an amendment to the Fair Labor Standards Act of 1938 (FLSA). The PUMP Act requires employers to provide reasonable breaks for both exempt and non-exempt employees to express breast milk for (1) one year after the child’s birth and to provide a location other than a bathroom that is shielded from view and free from intrusion from co-workers and the public to express breast milk. The Department of Labor began enforcing the PUMP Act on April 28, 2023.

[Texas Health and Safety Code Chapter 165](#) also created the Texas Mother-Friendly Worksite designation in 1995 to recognize employers who have policies that support breastfeeding. Texas Mother-Friendly policies must include:

1. “Work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk;

2. The provision of accessible locations allowing privacy;
3. Access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and
4. Access to hygienic storage alternatives in the workplace for the mother's breast milk.”

Full criteria for designation as a Texas Mother-Friendly Worksite are provided in [Texas Administrative Code](#) Title 25, Part 1, Chapter 31, Subchapter A, Rule §31.1. Please also see: Texas Government Code, Title 6, Subtitle A, Chapter 619.

II. SCOPE

It is the policy of Texas Southern University (TSU) to provide reasonable accommodations upon request for qualified individuals with a disability who are students, employees, visitors or applicants for employment. TSU will adhere to all applicable state and federal laws, regulations and guidelines with respect to providing reasonable accommodations as required in an effort to offer equal access and opportunities to qualified disabled individuals with regard to university employment, university educational opportunities, and the university's programs and services. This policy applies to students, staff, faculty, job applicants, visitors, vendors and other beneficiaries of the programs, services, and activities of TSU.

III. POLICY PROVISIONS

a. Time and Pay

TSU accommodates breastfeeding mothers for up to (1) one year following the birth of a child or children, after they return to work. The supervisor must grant the request of an employee to expel breastmilk and may not deny an employee a break necessary to expel breastmilk.

Work schedule and work pattern flexibility will be provided to accommodate a reasonable break time for faculty and staff to express breast milk. While in general this may require two to three lactation breaks a day, scheduling an arranged schedule is encouraged to accommodate the milk expression needs of the faculty or staff member. A reasonable break time for expressing milk is generally considered to be between 30-45 minutes. The break time must, if possible, run concurrently with break time already provided. Hourly rate employees (non-exempt) will be paid for the break time provided to accommodate a request to express breast milk.

b. Lactation Space Requirements

TSU will provide breastfeeding employees with space in close proximity to their work area that is shielded from view and free from intrusion from colleagues and the public to express breast milk. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space.

Lactation Space will:

- Have a locking door
- Not be a restroom
- Be safe, clean, and free of toxic or hazardous materials
- Contain a place to sit, a surface to place a breast pump, and personal items
- Have access to electricity
- Have access to a sink with running water and a refrigerator in close proximity to the employee's work area
- Potentially be a multi-purpose room if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses

c. Storage

Employees may store their expressed milk in their own personal coolers with ice pack or in the shared break room refrigerator space, if available. Where dedicated space is not feasible, TSU will provide a mixed-use space for lactating mothers. In cases such as the latter, lactating mothers will have priority over all other non-business/non-educational uses of the space, otherwise an alternative location will need to be identified.

Alternatively, faculty and staff may choose to use their private office or other space, identified in consultation with her supervisor. Faculty, staff, and student employees may register concerns with regard to the implementation of this policy to the attention of the TSU Human Resources Department.

IV. PROCEDURES FOR REQUESTING ACCOMMODATION

It is the responsibility of the faculty, staff member, or student employee to request the lactation accommodation from their direct supervisor. The request should be submitted to the supervisor within a reasonable timeframe upon the requesting individual realizing there is a need for such accommodation. This allows for the opportunity to establish an appropriate schedule and location. A copy of both the request for lactation accommodations, and a fully executed (signed by both employee

and supervisor) copy should be provided to the TSU Human Resources Department by both the requesting employee, and their supervisor.

The procedure under this policy is provided for nursing mothers. It is NOT intended to provide space or to facilitate a resting space for those with medical and/or health needs.

V. REVIEW AND RESPONSIBILITIES

Responsible Party: Sr. Associate Vice President of Human Resources

Review: As is required by change in state or federal guidance

Date Issued: November 2, 2023

VI. APPROVAL

Cynthia A. Buckley

Sr. Associate Vice President of Human Resources, Dr. Cynthia Buckley

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