



## University Administrative Policy

**Policy Name:** Mother's Room

**Responsible Office:** Human Resources and Equal Opportunity

**Originator of the Policy:** Executive Assistant to VP-HR/Manager of Operations

**Effective Date:** September 29, 2020

**Revision History:**

**Web Link:** <https://www.salemstate.edu/policies/>

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### 1. Rationale

Salem State University shall provide nursing mothers the opportunity to express breast milk within a reasonable break period, in a space that is functional and available. Reasonable time for breaks will be provided for one year after the child's birth.

### 2. Statement of Policy

The Patient Protection and Affordable Care Act ("Affordable Care Act") amended section 7 of the Fair Labor Standards Act ("FLSA") to require employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Employers are also required 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. (US Department of Labor: <http://www.dol.gov/whd/nursingmothers/>). According to the "Guide for Establishing a Federal Nursing Mother's Program", continued breastfeeding offers a variety of noted benefits for mothers, their babies, and their employers. The ACA facilitates the continuation of breastfeeding and helps nursing mothers to better integrate their work and family needs. Salem State University supports nursing mothers and in doing so will offer the following benefits: workplace support including time and space for nursing mothers to express breast milk; allowing flexible schedules for break time.

### 3. Scope

This policy applies to all SSU employees who are nursing mothers.

#### 4. Fiscal Considerations

	<b>Direct Costs / Savings / Revenue Generation</b>	<b>Indirect Costs / Savings / Revenue Generation</b>
<b>Initial Implementation</b>	\$50 (Sanitizing wipes)	None
<b>Ongoing</b>	\$50 (Sanitizing wipes)	None
<b>Potential Fines</b>		<p>(c) No person or entity, including a governmental entity, shall, with the intent to violate a mother's right under subsection (a), restrict, harass or penalize a mother who is breastfeeding her child.</p> <p>(d) The attorney general may bring a civil action for equitable relief to restrain or prevent a violation of subsection (c).</p> <p>(e) A civil action may be brought under this section by a mother subjected to a violation of subsection (c). In any such action, the court may: (i) award actual damages in an amount not to exceed \$500; (ii) enter an order to restrain such unlawful conduct; and (iii) award reasonable attorney fees.</p>

#### 5. Definitions

<b>Breastfeeding</b>	<b>Extraction/Expression of Breast Milk</b>
<b>Private Space</b>	A private room for nursing mothers (other than a bathroom) that can be used to express milk. This space must be shielded from view and free from intrusion of others. A nursing mother's room must be functional, with a private space, a place to sit and a flat surface, other than the floor, to place the breast pump and other supplies. Although there are no size or permanency requirements, these rooms should provide access

	to electricity for the use of a breast pump, as well as good lighting, a comfortable temperature, and proper ventilation. Further, a room for nursing mothers should be clean and agencies should provide cleaning wipes and paper towels.
Space Requirements	<ul style="list-style-type: none"> <li>• A place, other than a bathroom</li> <li>• Shielded from view</li> <li>• Free from intrusion from coworkers and the public</li> <li>• That may be used by an employee to express breast milk.</li> </ul> <p>An employer may temporarily designate a space or make a space available when needed by the employee; the location must be functional as a space for expressing milk.</p>

### 6. Responsibilities

Responsible Party	List of Responsibilities
Breastfeeding Employee or Student	Contact Rebekah Bourdreau in HR to advise of need for access to space, 978-542-7458 or rboudreau@salemstate.edu

### 7. Policy Enforcement

Violation(s)	It shall be a violation if using the room without permission as for purposes other than breastfeeding.
Potential consequences	Employee discipline.
How to report	Contact Rebekah Boudrea in Human Resources, 978-542-7458 or <a href="mailto:rboudreau@salemstate.edu">rboudreau@salemstate.edu</a>

### 8. Reference Documents

Policy or Document	Web Address
<b>Guide for Establishing a Federal Nursing Mother's Program</b>	<a href="https://www.opm.gov/policy-data-oversight/worklife/reference-materials/nursing-mother-guide.pdf">https://www.opm.gov/policy-data-oversight/worklife/reference-materials/nursing-mother-guide.pdf</a>
<b>US Department of Labor, Wage and Hours Division</b>	<a href="http://www.dol.gov/whd/nursingmothers/">http://www.dol.gov/whd/nursingmothers/</a> <a href="http://www.dol.gov/whd/regs/compliance/whdfs73.htm">http://www.dol.gov/whd/regs/compliance/whdfs73.htm</a> )
<b>The General Court of The Commonwealth of Massachusetts</b>	<a href="https://malegislature.gov/Laws/SessionLaws/Acts/2008/Chapter466">https://malegislature.gov/Laws/SessionLaws/Acts/2008/Chapter466</a>

### 9. Contact(s)

Subject	Office or Position	Telephone Number	Email
Policy Clarification	Human Resources	978.542.7458	rboudreau@salemstate.edu

10. **Effective Date:** Upon approval by the president.

11. **Dissemination:** Posted on the university web site in Polaris.

12. **Review Cycle:** Initial review after 12 months.



**Policy Name:** Mother's Room

**Policy Approvals/Endorsement/Notice Required:**

	<b>Name</b>	<b>Signature</b>	<b>Date</b>
Dean or Assistant/Associate Vice President	Mark Quigley		
Vice President	Rita Colucci		
PEC (Notice)			
All University Committee (Notice)			
President (Notice)	John Keenan		
Board of Trustees (notice)			