

Sample School Lactation Support Policy

Date adopted: _____

Policy

It is the policy of _____ (*school or Local Education Agency*) to support employees to continue to breastfeed/chestfeed and express milk at work. Lactating employees returning to work have relatively few and simple work needs: a convenient, safe, private, and comfortable location at the worksite, the ability to take several breaks during the work shift to express milk, and support from supervisors and colleagues.

Procedure

In support of the above, _____ (*school or LEA*) will provide the following:

1. A reasonable amount of break time to express milk as frequently as needed by the lactating employee. The time allowed will not exceed the normal break and lunch time.
2. A designated, suitable location in which to express milk. The space will be clean, private, and lockable and will not be located in a bathroom.
3. If needed, a sign-up sheet will be posted to ensure all those needing the room will have the opportunity to use it.
4. A small refrigerator reserved for the specific storage of human milk is available. Employees may use their own cooler packs to store expressed milk. Any human milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the milk. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Employees using the refrigerator are responsible for keeping it clean and tidy.

Legal References:

- 21 V.S.A. § 305 requires employers to provide reasonable time, either compensated or uncompensated throughout the day for the employee to express breast milk for her nursing child and make a reasonable accommodation to provide an appropriate space that is not a bathroom stall.
- The Fair Labor Standards Act, 29 U.S.C.A. 207 (r)(1)(a) requires employers to provide a “reasonable break time for an employee to express breast milk for her nursing child.” Employers shall also 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.” 29 U.S.C.A. 207 (r)(1)(b)
- The Fair Labor Standards Act was amended in 2022 to include the Providing Urgent Maternal Protections for Nursing Mothers Act, known as the “PUMP Act”. The law extends the rights to receive break time to pump and a private place to pump to more employees, including agriculture workers, nurses, teachers, truck and taxi drivers, home care workers, and managers. States with laws providing stronger protections, such as the Vermont state law provides, are not preempted.